

# A G E N D A

## Northern Area Planning Sub- Committee

Date: **Wednesday, 23rd July, 2003**

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Time: **2.00 p.m.**

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Place: **The Council Chamber,  
Brockington, 35 Hafod Road,  
Hereford**

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Notes: Please note the **time, date** and **venue** of  
the meeting.

*For any further information please contact:*

*Heather Donaldson, Members' Services,  
Brockington, 35 Hafod Road, Hereford*

*[hdonaldson@herefordshire.gov.uk](mailto:hdonaldson@herefordshire.gov.uk)*

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**County of Herefordshire  
District Council**



# AGENDA

## for the Meeting of the Northern Area Planning Sub-Committee

To: Councillor J.W. Hope (Chair)  
Councillor J. Stone (Vice-Chairman)

Councillors B.F. Ashton, Mrs LO Barnett, W.L.S. Bowen, R.B.A. Burke, P.J. Dauncey, J.P. French, J.H.R. Goodwin, K.G. Grumbley, P.E. Harling, B. Hunt, T.W. Hunt, T.M. James, P. Jones, R.M. Manning, R. Mills, R.J. Phillips, DW Rule, RV Stockton, J.P. Thomas and J.B. Williams

|  | Pages   |
|--|---------|
| 1. <b>APOLOGIES FOR ABSENCE</b><br>To receive apologies for absence.   |         |
| 2. <b>DECLARATIONS OF INTEREST</b><br>To receive any declarations of interest by members in respect of items on the agenda.  |         |
| 3. <b>MINUTES</b><br>To approve and sign the minutes of the meeting held on 25th June, 2003.   | 5 - 20  |
| 4. <b>ITEM FOR INFORMATION - APPEALS</b><br>To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.   | 21 - 24 |
| 5. <b>HEAD OF PLANNING SERVICES REPORT</b><br>To consider and take any appropriate action on the attached reports of the Head of Planning Services in respect of the planning applications received for the northern area of Herefordshire, and to authorise him to impose any additional conditions and reasons considered to be necessary. | 25 - 88 |
| <p><b>Plans relating to planning applications on this agenda will be available for inspection by members during the meeting and also in the Council Chamber from 1.30 p.m. on the day of the meeting.</b></p>  |         |
| <p><b>EXCLUSION OF THE PUBLIC AND PRESS</b></p>  |         |
| <p><b>In the opinion of the Proper Officer, the next item will not be, or is likely not to be, open to the public and press at the time it is considered.</b></p>  |         |

**RECOMMENDATION: THAT the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Local Government Act, 1972 as indicated below.**

**6. ITEM FOR INFORMATION - ENFORCEMENT**

89 - 90

To note the Council's current position in respect of enforcement proceedings for the northern area of Herefordshire.

**(This item discloses information relating to possible legal proceedings by the Council)**

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- Inspect agenda and public reports at least three clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. A list of the background papers to a report is given at the end of each report. A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
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# **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of the Northern Area Planning Sub-Committee held at Brockington, 35 Hafod Road, Hereford on 25th June, 2003 at 2:00 p.m.**

**Present:** Councillor J.W. Hope (Chairman)  
Councillor J. Stone (Vice-Chairman)

**Councillors:** B.F. Ashton, Mrs. L.O. Barnett, W.L.S. Bowen, R.B.A. Burke, Mrs J.P. French, J.H.R. Goodwin, K.G. Grumbley, P.E. Harling, B. Hunt, T.W. Hunt T.M. James, R.M. Manning, R. Mills, R.J. Phillips, D.W. Rule MBE, R. V. Stockton.

**7. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors P.J. Dauncey, Brig. P. Jones CBE and J.P. Thomas.

**8. DECLARATIONS OF INTEREST**

The following declarations of interest were made:

| <b>Councillor</b> | <b>Item</b>   | <b>Interest</b>  |
|-------------------|---|--|
| R.M. Manning      | Agenda Item 5, Ref. 12 –<br><br>NE2002/3887/F – Variation to condition 3 of pp NE2002/1556/F to the effect that roller shutter doors shall not be opened between 2200-0700 hrs Mon-Fri; 0000-0800 & 1300-0000 hrs Sat, and at no time on Sun, Bank or Public holidays at:<br><br><b>Jugs Green Business Park, Jugs Green, Staplow</b> | Declared a prejudicial interest and left the meeting for the duration of this item.        |
| D.W. Rule MBE     | Agenda Item 5, Ref. 10 –<br><br>NE2003/1116/F – Erection of 4 no. one bedroomed flats and 1 no. two bedroomed bungalow at:<br><br><b>Land west of Long Acres, Ledbury</b>   | Declared a prejudicial interest and remained in the meeting for the duration of this item. |

| Officer     | Item   | Interest  |
|-------------|--|---|
| Mr A. Poole | Agenda Item 5, Ref. 7 –<br><br>NC2002/3784/F – Demolition of existing buildings and erection of non food retail unit with garden centre, associated access, servicing, landscaping and car parking at:<br><br><b>FH Dale premises, Mill Street, Leominster</b> | Declared a prejudicial interest and left the meeting for the duration of this item. |

**9. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 6th June, 2003 be approved as a correct record and signed by the Chairman.

**10. ITEM FOR INFORMATION – APPEALS**

The Sub-Committee noted the Council's current position in respect of planning appeals for the northern area of Herefordshire.

**RESOLVED:** That the report be noted.

**EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED:** That under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting during the discussion on the second report about Reference 12 (NE2002/3887/F - Jugs Green Business Park) on the grounds that it involved the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below.

**SUMMARY OF THE PROCEEDINGS OF EXEMPT INFORMATION**

**11. REPORT OF THE HEAD OF PLANNING SERVICES**

The report of the Head of Planning Services was presented in respect of planning applications received for the northern area of Herefordshire.

**RESOLVED: That the planning applications be determined as set out in the appendix to these minutes.**

*(This item disclosed information relating to possible legal proceedings by the Council. )*

The meeting ended at 3:51 p.m.

**CHAIRMAN**

**APPENDIX**

Ref. 1  
**LYONSHALL**

NW2003/1031/F

Reduce size of existing garage and erect two storey extension at

**CORNER HOUSE, LYONSHALL, KINGTON, HEREFORDSHIRE, HR5 3HX**

**For:** Mr & Mrs C Froom, per Mr B Thomas, The Malt House, Shobdon, Leominster HR6 9NL

Members felt that the proposed extension would be in keeping with the existing house, and, being lower in eaves height and shorter in length, would be an improvement on a previous proposal. In addition, members noted that the property was not overlooked and was not visible from the nearby highway. For these reasons, it was felt that the application should be approved, subject to any necessary conditions, and the agreement of the local member and the Chairman.

**RESOLVED:**

- That**
- (i) the Northern Area Planning Sub-Committee is minded to approve the application, subject to any conditions felt to be necessary by the Head of Planning Services, provided that the Head of Planning Services does not refer the application to the Planning Committee.**
  - (ii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the application, in consultation with the Chairman and the local member, subject to such conditions referred to above.**

(NOTE:

1. Under the Council's Referral Procedure, the Chief Development Control Officer advised that he would not refer the application to the Head of Planning Services because he felt that there were no crucial policies at stake, and that the application now accorded with Policy A56 of the Leominster District Local Plan (Herefordshire).. The application was therefore APPROVED. )

Ref. 2  
**ORLETON**

NW2003/1196/F

Retrospective application for use of existing caravan for recreational purposes including the housing of domestic animals and land for horses on land at

**ORLETON COMMON, ORLETON.**

**For:** Mr M Tromans & Ms B Taylor per  
C A Beresford-Webb, PO Box 19, Station Road, Knighton, Powys, LD7 1WD

The Principal Planning Officer reported some slight amendments to Condition 3 of the report, and said that these would be included in the recommendation.

The Sub-Committee expressed concerns about the suitability of the site for the

proposed use, particularly because there was no water supply or sewerage to the caravan, because other dwellings were sited nearby, and because there were issues surrounding access to the site over common land. Members feared that the site might be used for commercial breeding or even become residential, and queried whether there were adequate measures in place to monitor this.

The Principal Planning Officer emphasised that there would be no breeding on the site, as per paragraph 5.1 of the report. He added that Condition 3 would address any issues relating to sewerage/animal waste, and that the application was not for residential use. Enforcement of the conditions would be achieved through the relevant officers. He pointed out however, that the siting of the caravan already benefited from a Certificate of Lawfulness, which meant that no enforcement action could be taken in respect of its siting on the land.

On balance, members felt that the application should be approved for a twelve-month temporary period only.

**RESOLVED: That temporary planning permission be granted until 25th June, 2004, subject to the following conditions:**

**1 - E27 (Personal condition ) (Mr M Trowmans & Ms B Taylor)**

**Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.**

**2 - The use of the caravan shall be restricted to the housing of domestic animals and the associated land for the keeping of horses for recreational purposes only and neither shall be used for any commercial breeding of animals.**

**Reason: In order to safeguard the residential amenity of the area and on the basis that commercial activity would not represent a sustainable use of the site.**

**3 - Within one month of the date of this permission, a scheme for the treatment of animal waste shall be submitted to the Local Planning Authority and for its approval in writing approved in writing. The scheme as approved shall be implemented within a further one month and thereafter maintained and used in accordance with the approval.**

**Reason: To prevent pollution of the water environment and in the interest of local amenity.**

**4. E20 - Temporary permission (25 June 2004)**

**Note to applicants :**

**1 - This permission relates to a change of use only and does not infer any right to erect buildings or associated structures.**

Ref. 3  
**WIGMORE**  
NW2002/3646/F

To continue the variation granted PP NW2001/2799/F for opening hours Mon - Wed 07.00 to 22.00 and Sat 07.00 to 18.00. In addition, request to extend opening hours on Thurs from 07.00 to 22.00. Friday and Sunday no change at

**THE TEME VALLEY YOUTH PROJECT LTD, KINGSMEADOW, WIGMORE, HEREFORDSHIRE, HR6 9UX**

**For:** Teme Valley Youth Project Ltd at above address.

The Principal Planning Officer outlined some necessary corrections to the report. In addition, he reported the receipt of the following observations:

Wigmore Parish council remained unable to fully support the application, and had requested that it be approved for a temporary twelve month period to enable sufficient information to be gathered about the effects of the changed hours;

Teme Valley Youth Project had recently held its AGM, and the Parish Council had attended. As a result, communication between the two organisations had improved, and the Project would widen its publicity. The Project had stated that a twelve month trial period on the proposals for Thursdays was acceptable, but in all other aspects the application remained unchanged;

The occupants of Pear Tree Farm, Wigmore had reported the occasional disturbance from the Project, and had asked for a temporary permission for twelve months.

The local member reported that the Parish Council would continue to meet with the Project and monitor the situation jointly.

**RESOLVED: That condition no. 7 in permission 98/0046/N issued on 4 August 1998 be deleted and replaced by the following new condition(s):**

**1 - The premises shall not be open for use outside the following hours :  
0700-2200 Monday - Thursday, 0700-1800 Fridays and Saturdays, nor at any time on Sundays or Bank Holidays.**

**Reason: In the interests of the amenities of local residents.**

**2 - This consent shall expire on 25 June 2004. Unless further consent is granted in writing by the local planning authority prior to the end of that period, the use shall be restricted to the following hours :**

**0700-1800 hours, Mondays to Fridays**

**0700-1300 hours, Saturdays**

**and not at any time on Sundays or Bank Holidays.**

**Reason: To enable the local planning authority to give further consideration of the acceptability of the proposed use after the temporary period has expired.**

Ref. 4  
**LEYSTERS**  
NC2003/1304/F

Amended siting of fishing pool at

**LOWER POOL FARM, LEYSTERS, LEOMINSTER, HEREFORDSHIRE, HR6 0HW**

**For:** Mr & Mrs N Greener per Mr D Dickson, 101 Etnam Street, Leominster, Herefordshire, HR6 8AF

The Principal Officer (Minerals and Waste) reported that the Environment Agency had withdrawn its holding objection. He also reported on slight amendments to the recommendations. In response to a question, he confirmed that this planning application would negate the previous planning application, as indicated in Condition 9.

**RESOLVED: That planning permission be granted subject to the following conditions:**

**1 - A01 (Time limit for commencement (full permission) )**

**Reason:** Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

**2 - The hours during which fishing may take place shall be restricted to the time between 6am – 10pm.**

**Reason:** To safeguard the amenities of the locality.

**3 - The premises shall be used for fishing, nature conservation and agriculture and for no other purpose.**

**Reason:** Because the use of the site for any other purpose could have adverse environmental effects which need further assessment.

**4 - During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday - Friday 7.00am to 6.00pm, Saturday 8.00am to 1.00pm, nor at any time on Sundays, Bank or Public Holidays.**

**Reason:** To protect the amenity of local residents.

**5 - The development shall be carried out in all respects strictly in accordance with the approved plans, except that the retaining embankment proposed at the western end of the site shall be graded so as to achieve a natural appearance from a south-westerly direction and shall not have a slope at any point steeper than 1 in 10.**

**Reason:** To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

**6 - All excavated material shall be deposited on adjoining land and graded to**

create a natural looking land form.

**Reason:** To ensure a satisfactory and well planned development, and to preserve and enhance the quality of the environment and to prevent unauthorised mineral extraction.

- 7 - No fishing shall be undertaken on site unless and until a toilet has been provided and is maintained for the use of visitors to the site, throughout the period of its use in connection with the development hereby permitted.

**Reason:** In the interests of the amenity of local residents.

- 8 - There shall be no discharge of foul or contaminated drainage from the site to either ground water or any surface waters, whether direct or via soakaways.

**Reason:** To prevent pollution of the water environment.

- 9 - This permission shall be implemented only in lieu of, and not in addition to, the planning permission NC2002/2372/F dated 30 October 2002.

**Reason:** To prevent over development of the site.

- 10 - No excavation shall take place until details of the tree planting proposed have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The submitted details shall include proposals to plant at least 100 native trees and shrubs in a scattered, informal and irregular layout, including large spaces and glades to link the existing trees on the north-western and south-western parts of the proposed lake.

**Reason:** To ensure that the application site is properly landscaped in the interests of the visual amenity of the area.

- 11 - If within a period of two years from the date of the planting of any tree or shrub that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies [or becomes, in the opinion of the local planning authority, seriously damaged or defective] another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

**Reason:** To safeguard the amenity of the area.

12. No vehicles arising from the use of the site for or in connection with the development hereby permitted shall be parked anywhere other than as shown on the permitted application plan.

**Reason:** In the interests of the amenities of local residents, the control of



**pollution and the protection of the landscape.**

Ref. 5  
**BROMYARD**

NC2003/0558/O

Site for residential development on land adjacent to

**THE KNAPP, NODENS LANE, YORK ROAD, BROMYARD, HEREFORDSHIRE**

**For:** Mr G Firkins per Mundy Construction Services,  
5 Upper Court, Luston, Leominster HR6 OAP

The Sub-Committee agreed that the site should be inspected, on the grounds that the setting and surroundings were felt to be fundamental to the determination of the application, or to the conditions being considered.

In accordance with the criteria for public speaking, Mr D. Cave of Bromyard and Winslow Town Council, and Mrs S. Russell, and objector, were present at the meeting and reserved their right to speak on the application until it came back to the Sub-Committee for consideration.

**RESOLVED: That consideration of the application be deferred for a site inspection.**

Ref. 6  
**BROMYARD**

NC2003/1402/F

Conservatory at

**12 BROXASH CLOSE, BROMYARD, HEREFORDSHIRE, HR7 4TU**

**For:** Mr & Mrs R.T. Jones at same address

The Principal Planning Officer reported the Town Council's comments, that it opposed the application because it felt that there would be loss of amenity and daylight to the nearest residential property.

In accordance with the criteria for public speaking, Mr D. Cave, of Bromyard and Winslow Town Council, spoke against the proposal. He also requested that an additional condition be imposed on any planning permission granted, in respect of erecting a two metre high fence.

**RESOLVED: That planning permission be granted subject to the following conditions:**

**1 - Within 2 months of the date of this approval a 2 metre close-boarded fence shall be erected for the length of the extension adjacent to No. 10 and shall thereafter be retained.**

**Reason: To protect the amenities of occupiers of adjacent residential property.**

Ref. 7  
**LEOMINSTER**

NC2002/3784/F

Demolition of existing buildings & erection of non food retail unit with garden centre, associated access, servicing, landscaping and car parking at

**FH DALE PREMISES, MILL STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8EF**

**For:** FH Dale Ltd per White Young Green, Ropemaker Court 12, Lower Park Row, Bristol BS1 5BN

The Principal Planning Officer updated the Sub-Committee in respect of the following:

The applicant had submitted the full landscaping scheme. The Landscape Officer had no objections to it;

Amended highway drawings had been received. These had addressed two earlier concerns;

Mrs Compton, of Croft Castle, and submitted a further letter reiterating her previous concerns;

A petition in support of the application had been submitted by 20 residents in Portersmill Close, stating that the application would be beneficial to Leominster;

The applicant's agent had provided additional information, and had confirmed that the application would generate 26 new jobs;

Network Rail was currently assessing the applications impact on a nearby rail line and level crossing. In the interim, it had lodged a holding objection. The Principal Planning Officer added that she was in liaison with Network Rail over this matter;

The Principal Planning Officer made some slight amendments to the recommendations.

In accordance with the criteria for public speaking, Ms J. Storey, an objector, spoke against the proposal.

In accordance with the criteria for public speaking, Mr Denison, the applicant's agent, spoke in support of the proposal.

Some members noted that there had been local objections to the application, and expressed concern about the possible increase in traffic, the landscaping scheme, the possible impact on the nearby Leominster Priory, and the possibility that the application might not create new jobs, but might simply re-deploy people from one area of the workforce to another. Councillor Bowen asked why little weight had been given to the relevant policies in the draft Unitary Development Plan (UDP). The Principal Planning Officer advised that numerous consultees had objected to these UDP policies, and so less weight could be given to them at this point. She stated that English Heritage had been consulted extensively over the application's proximity to the Priory, and had offered no objections.

In response to a question, the Principal Planning Officer confirmed that the Lugg Drainage Board had been consulted on the application, and was satisfied with the

drainage issues.

**RESOLVED:** That officers named in the Scheme of Delegation to Officers be authorised to grant planning permission, subject to no objection from Network Rail, subject to the following obligations/conditions:

1) The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to make footpath link and improvements to River Lugg path and signage, replacement pavilion, and any additional matters and terms as she considers appropriate.

1. A01 (time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out strictly in accordance with the amended plans, nos. 3153.02P, 3153.03G, 3153.04P, received by the local planning authority on 1 April 2003, and MSL/L1 landscaping plan, received 9 May 2003.

Reason: To ensure the development is carried out in accordance with the amended plans.

Plus other conditions under the following headings

3. Highway details
4. Cycle/footpath link
5. New seating/signage
6. Lighting and hours of usage
7. Landscaping
8. Flood storage
9. Materials
10. Boundary treatment
11. Opening hours
12. Range of goods
13. Delivery times
14. Single occupier
15. Drainage
16. Archaeology

**Note to applicant:**

1. This permission is granted pursuant to an agreement under Section 106 of the Town and Country Planning Act 1990.

Ref. 8  
**BROMYARD**

3 no. 3-bedroom cottages & 1 no. 1-bedroom cottage, with 6 car parking spaces on site adjacent to

NC2003/1360/F

**BISHOPS GARAGE, THE BYPASS, BROMYARD.**

**For:** Mr J Bishop per Linton Design Group, 27 High Street, Bromyard, Herefordshire HR7 4AA

The Sub-Committee agreed that the site should be inspected, using all 3 criteria in the Code of Conduct on Planning Matters for Members and Officers.

In accordance with the criteria for public speaking, Mr D. Cave, of Bromyard and Winslow Town Council, was present at the meeting, and reserved his right to speak on the application until it came back to the Sub-Committee for consideration.

**RESOLVED: That consideration of the application be deferred for a site inspection.**

Ref. 9  
**CRADLEY**

Demolition of existing outbuildings, erection of five detached dwellings and garages land to side and rear of

NE2003/0639/RM

**OAKDALE, CHAPEL LANE, CRADLEY, MALVERN, HEREFORDSHIRE, WR13 5HX**

**For:** Cox Homes per CHBC Architects, 4-12 Morton Street, Leamington Spa, Warwickshire, CV32 5SY

The Principal Planning Officer indicated some amendments to the report which would be included in the recommendations. He said that the applicant had now submitted full details in relation to the application. In addition, the Environment Agency had sent a facsimile that morning, which the Principal Planning Officer read out in full. The Agency had stated that the site was not in the floodplain; therefore the Agency did not need to be consulted. It was the Agency's view that the comments of Severn Trent and Welsh Water were sufficient and satisfactory. The Agency had indicated that the Local Planning Authority and the Utility Companies were responsible for issues surrounding the application.

Mr C. Massey, the Council's Building Control Officer, confirmed that the proposed soakaway had met all necessary BS standards. He explained that geology of the entire Cradley area was characterised by a surface layer of clay, beneath which was a permeable layer of sand and gravel, broken up with clay and stones. This stratum was perfectly capable of dealing with surface water, and other forms of drainage, and this had been borne out by other sites that he had inspected in the vicinity where the soakaways had been proven to be adequate. He reported that he had knowledge of excavations in the area for the last 20 years. He confirmed that the depth of the existing borehole was 900 cm – 1.2 m. In response to a question, he reported that there were three large soakaway holes near to the site at Finchers Corner, and these were connected by a trench.

**RESOLVED: That approval of reserved matters be granted subject to the following condition:**

- 1 - Prior to the commencement of the development on-site details of the works compound shall be submitted for approval in writing by the Local**

**Planning Authority. All containers and cabins shall be kept single storey.**

**Reason: In order to protect the amenity of the nearby residents.**

**Note to Applicant:**

- 1. The conditions of Outline Planning Permission NE2002/1645/O granted 16th July, 2002 are applicable.**

Ref. 10  
**LEDBURY**

NE2003/1116/F

Erection of 4 no. one-bedroom flats and 1 no. two-bedroom bungalow at

**LAND WEST OF LONG ACRES, LEDBURY, HEREFORDSHIRE**

**For:** Festival Housing Group per Singleton Architects 59a Church Street Malvern Worcs WR14 2AA

Members noted that Ledbury Town Council had objected to the application, and agreed that the site should be inspected, using all three criteria in the Code of Conduct on Planning Matters for Members and Officers. The Principal Planning Officer reported that there was significant updated information for the application, and he said that he would include this in the report to the Sub-Committee at its next meeting.

In accordance with the criteria for public speaking, Mr P. Watts, of Ledbury Town Council, and Mr A. Gurney and Mr D. Stoakes, objectors, were present at the meeting and reserved their right to speak on the application until it came back to the Sub-Committee for consideration.

**RESOLVED: That consideration of the application be deferred for a site inspection.**

Ref. 11  
**CODDINGTON**

NE2003/1171/F

All weather riding area at

**CHERRY ORCHARD, CODDINGTON, LEDBURY, HEREFORDSHIRE, HR8 1JJ**

**For:** Mrs S Ransford at above address.

In accordance with the criteria for public speaking, Dr Ransford, the applicant, spoke in support of the proposal.

The Principal Planning Officer said that the description "Riding School" would be changed to "Riding Area" to avoid any confusion about the use of the site. He added that further conditions about landscaping were also required.

**RESOLVED: That planning permission be granted subject to the following conditions, and to any further conditions considered necessary by officers:**

- 1 - A01 (Time limit for commencement (full permission) )**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

**2 - A06 (Development in accordance with approved plans )**

**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.**

**3 - The exercise area shall be used to accommodate the applicant's own horses only and shall not be used for any commercial riding, breeding, training or other equestrian enterprise.**

**Reason: In order to safeguard the residential amenity of the area.**

**4 - F20 (Scheme of surface water drainage )**

**Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.**

**5 - F48 (Details of slab levels )**

**Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.**

**6. G04 (Landscaping scheme (general))**

**Reason: In order to protect the visual amenities of the area.**

**7. G05 (Implementation of landscaping scheme (general))**

**Reason: In order to protect the visual amenities of the area.**

Ref. 12  
**STAPLOW**  
NE2002/3887/F

Variation to condition no. 3 of PP NE2002/1556/F, to the effect that roller shutter doors shall not be opened between 2200 - 0700 hours Mon - Fri, 0000 - 0800 hours & 1300 - 0000 hours Sat and at no time on Sunday, bank or public holidays at

**JUGS GREEN BUSINESS PARK, JUGS GREEN, STAPLOW, NR LEDBURY, HEREFORDSHIRE, HR8 1NR**

**For:** Davant Products Ltd per Wall, James & Davies,  
15-23 Hagley Road, Stourbridge, West Midlands

Members noted that there were several areas of concern surrounding the application, and agreed that the site should be inspected on the grounds that the setting and surroundings were fundamental to the determination of the application, or to the conditions being considered.

**RESOLVED: That consideration of the application be deferred for a site inspection.**



Page 20 is Restricted



**4 ITEM FOR INFORMATION - APPEALS****APPEALS RECEIVED****Application No. NC2002/3549/F**

- The appeal was received on 23rd June 2003
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Orange PCS Ltd
- The site is located at Upper Edgley, Stoke Lane, Stoke Lacy, Herefordshire, HR7 4HD
- The development proposed is Siting of a 25 metre slimline lattice tower, 3 x DBD antennas, 2 x 0.6 metre dishes and up to 10 equipment cabinets in a 12 x 8 metre compound.
- The appeal is to be heard by Written Representations

**Case Officer: Duncan Thomas on 01432-261790**

**Application No. NC2003/1089/F**

- The appeal was received on 23rd June 2003
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Perfection Homes
- The site is located at Land between Beltaine & Avenue Villa, -, Bodenham, Hereford, Herefordshire, HR1 3HT
- The development proposed is Construction of one dwelling plus garage and formation of layby access
- The appeal is to be heard by Written Representations

**Case Officer: Duncan Thomas on 01432-261790**

**Application No. NC2003/0678/F**

- The appeal was received on 24th June 2003
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by G & M E Symonds
- The site is located at Ridgeway Farm, Ludlow Road, Leominster, Herefordshire, HR6 0DH
- The development proposed is Retrospective application for change of use from agricultural to light industry, and storage
- The appeal is to be heard by Written Representations

**Case Officer: Duncan Thomas on 01432-261790**

## APPEALS DETERMINED

### Application No. NE2002/1825/F

- The appeal was received on 5th February 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr T Lynch
- The site is located at 3 The Courtyard, Wessington Court, Woolhope, Herefordshire, HR1 4QN
- The application, dated 12th June 2002, was refused on 6th August 2002
- The development proposed was Conversion of former garage to form single person's dwelling.
- The main issue is the effect of the proposed development on the character and appearance of the surrounding rural area, which lies within the Woolhope Conservation Area and the Wye Valley Area of Outstanding Natural Beauty.

**Decision:** The appeal was **DISMISSED** on 16th June 2003

**Case Officer:** Russell Pryce on 01432-261795

### Application No. NC2002/1550/F

- The appeal was received on 6th January 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Harper Group PLC
- The site is located at Land adjacent to 13 Clifford Road, Leominster.
- The application, dated 21st May 2002, was refused on 5th July 2002
- The development proposed was Erection of a 4-bedroom detached house with garage and parking.
- The main issue is the effect of the proposed development on the provision of public open space within the surrounding residential area.

**Decision:** The appeal was **DISMISSED** on 19th June 2003

**Case Officer:** Duncan Thomas on 01432-261790

**Application No. NC2002/1534/F**

- The appeal was received on 6th January 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Harper Group PLC
- The site is located at Land adjacent to 14, Clifford Road, Leominster, Herefordshire, HR6 8UE
- The application, dated 20th May 2002, was refused on 5th July 2002
- The development proposed was Erection of a 4-bedroom detached house with garage and parking.
- The main issue is the effect of the proposed development on the provision of public open space within the surrounding residential area.

**Decision:** The appeal was **DISMISSED** on 19th June 2003

**Case Officer:** Duncan Thomas on 01432-261790

**Application No. NW2002/3537/O**

- The appeal was received on 24th March 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr J Stevens
- The site is located at Parcel 2625, Holywell, Blakemere, Hereford.
- The application, dated 19th November 2002, was refused on 14th January 2003
- The development proposed was Site for two detached houses.
- The main issues are the effect of the proposed development on the character and appearance of the countryside, and its effect upon highway safety.

**Decision:** The appeal was **DISMISSED** on 9th July 2003

**Case Officer:** Simon Withers on 10432-261781

If members wish to see the full text of decision letters copies can be provided.



# NORTHERN AREA PLANNING SUB-COMMITTEE

## 23 JULY 2003

### SITE INSPECTIONS

| NO. | APPLICANT              | PROPOSAL AND SITE  | APPLICATION NO. | PAGE NO. |
|-----|------------------------|--|-----------------|----------|
| 1   | Davant Products Ltd    | Variation to condition 3 of pp NE2002/ 1556/F to the effect that roller shutter doors shall not be opened between 2200-0700 hrs Mon-Fri, 0000-0800 & 1300-0000 hrs Sat and at no time on Sun, Bank or Public Holidays, at Jugs Green Business Park, Jugs Green, Staplow. | NE2002/3887/F   | 27 – 30  |
| 2   | Festival Housing Group | Erection of 4 no. one-bedroom flats and 1 no. two-bedroom bungalow at land west of Long Acres, Ledbury.  | NE2003/1116/F   | 31 – 38  |
| 3   | Mr J Bishop            | 3 no. three-bedroom cottages and 1 no. one-bedroom cottage, with 6 car parking spaces on site adjacent to Bishops Garage, The Bypass, Bromyard.  | NC2003/1360/F   | 39 – 44  |
| 4   | Mr G Firkins           | Site for residential development on land adjacent to The Knapp, Nodens Lane, York Road, Bromyard.  | NC2003/0558/O   | 45 – 48  |

### APPLICATIONS RECEIVED

| NO. | APPLICANT            | PROPOSAL AND SITE   | APPLICATION NO. | PAGE NO. |
|-----|----------------------|---|-----------------|----------|
| 5   | Pettifer Estates Ltd | DIY store, garden centre and car parking on land off Leadon Way, New Mills, Lower Road Trading estate, Ledbury  | NE2003/1037/F   | 49 – 56  |
| 6   | Mr J Evans           | Erection of one dwelling at 21 Bank Crescent, Ledbury   | NE2003/1293/F   | 57 – 60  |
| 7   | Mr and Mrs R Pugh    | Three car garage with ensuite bedroom and store over following demolition of existing garage and bungalow, at Uplands Orchard, Burtons Lane, Wellington Heath | NE2003/1397/F   | 61 – 64  |

|    |                          |   |               |         |
|----|--------------------------|---|---------------|---------|
| 8  | Mr S Ellis               | Demolition of existing cottage and replace with new dwelling at Firs Cottage, Bosbury   | NE2003/1574/F | 65 – 70 |
| 9  | Davant Products Ltd      | Variation of conditions nos. 11 of planning permissions MH2067/90 dated 10.12.90 and MH97/0972 dated 9.12.97<br>to permit limited outside storage area 11.5m x 11.5m x 3m, at Jugs Green Business Park, Staplow | NE2003/1738/F | 71 – 74 |
| 10 | Safeway Stores plc       | Extension to provide additional class A1 sales area, ancillary warehouse, staff facilities and extension to existing coffee shop at Safeway Stores plc, Barons Cross Road, Leominster                           | NC2002/3730/F | 75 – 80 |
| 11 | Teme Valley Tractors Ltd | Use of land for parking of agricultural implements and customer vehicle parking at Teme Valley Tractors Ltd, Broad Street, Wigmore  | NW2003/0630/F | 81 - 88 |

**1 NE2002/3887/F - VARIATION TO CONDITION NO. 3 OF PP NE2002/1556/F, TO THE EFFECT THAT ROLLER SHUTTER DOORS SHALL NOT BE OPENED BETWEEN 2200 - 0700 HOURS MON - FRI, 0000 - 0800 HOURS & 1300 - 0000 HOURS SAT AND AT NO TIME ON SUNDAY, BANK OR PUBLIC HOLIDAYS AT JUGS GREEN BUSINESS PARK, JUGS GREEN, STAPLOW, NR LEDBURY, HEREFORDSHIRE, HR8 1NR**

**For: Davant Products Ltd per Wall, James & Davies,  
15-23 Hagley Road, Stourbridge, West Midlands**

**Date Received: 23rd December 2002      Ward: Ledbury      Grid Ref: 68880 40890**

Local Members: Councillors D Rule MBE, B Ashton & P Harling

### **Introduction**

Members will recall that this application was deferred for a site visit at the last committee.

#### **1. Site Description and Proposal**

- 1.1 Davant Products is located on the northern side of the class III 1157 road from Staplow to Munsley at Jugs Green, Staplow.
- 1.2 The applicants are seeking to vary condition no. 3 attached to planning permission NE2002/1556/F to allow for the roller shutter doors to be open an hour earlier each morning at 7am instead of the restricted time of 8am, and 4 hours later in the evening until 10pm instead of the restricted 6pm.
- 1.3 The condition was imposed to protect the residential amenity of the adjoining dwelling, Jugs Green Farmhouse.

#### **2. Policies**

PPG24 – Planning and Noise

##### **Hereford and Worcester County Structure Plan**

E6 – Industrial Development in Rural Areas

CTC2 – Area of Great Landscape Value

CTC9 – Development Requirements

**Malvern Hills District Local Plan**

Employment Policy 10 – Expansion on Industrial Sites  
Transport Policy 11 – Traffic Impact  
Landscape Policy 3 – Area of Great Landscape Value  
Landscape Policy 1 – Development Outside Settlement Boundaries  
Environment Policy 1 – Location of Development

**3. Planning History**

- 3.1 NE2002/1556/F – Variation of condition 12 of planning permission MH2067/90 – Relating to working hours. Approved 4 September 2002.
- 3.2 NE2002/1414/F – Part change of use of B8 warehouse to B1 (light industry), retention of overhead canopy and fire escape path – variation of condition of planning permission MH96/1290 – Use Restriction. Approved 4 September 2002.
- 3.3 NE2002/1414/F – Change of use of building from B1 (light industry) to B8 (warehouse) – variation of planning permission MH2067/90 – Use Restrictions. Approved 4 September 2002.
- 3.4 NE2001/3188/F - Loading canopy extension to existing warehouse - Approved 22 January 2002
- 3.5 NE1999/1628/F - Extension to existing warehouse and extension to car-parking area - Approved 20 July 1999
- 3.6 MH97/0972 - Proposed warehouse to be moved 90% as already approved on MH96/1290 - Approved 9 September 1997
- 3.7 MH96/1290 - Proposed warehouse - Approved 11 February 1997
- 3.8 MH92/1122 - Amendment of condition 4 to permit conversion of units B & D to offices. Change of use unit D from Class B8 to Class 1 (refer to consent MH2067/90)
- 3.9 MH91/0334 - Use of part of field as open storage, display and sales area for reclaimed salvaged and restored architectural affects and building components - Approved 29 April 1991
- 3.10 MH90/2067 - Change of use of redundant agricultural buildings to light industrial and storage (B1 and B8) - Approved 10 December 1990

**4. Consultation Summary**

- 4.1 No statutory or non-statutory consultations required.

**5. Representations**

- 5.1 Two letters of objection have been received from:

Sarah Merrick, Jugs Green Farm, Staplow  
Mishcon de Reya Solicitors, Summit House, 12 Red Lion Square, London



The main point raised is :

1. There is an on going dispute at the premises and history of planning contraventions. My clients object in the strongest possible terms to any relaxation which were imposed for the purpose of securing residential amenity.

5.2 The applicants agent has submitted the following statement in support of the application :

'The reason for this application is that since the premises are operative during the proposed varied hours and the Acoustic Report previously submitted testifies to the fact that no unreasonable noise is emitted from these premises, there is no good reason for the doors to be shut at the beginning and end of the day. Furthermore, in view of the lack of noise we also believe that the new working hours regime and the times during which roller shutter doors may be open should coincide rather than being arbitrarily distinguished.'

5.3 Ledbury Town Council recommend approval.

5.4 The full text of these letters can be inspected at Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officers Appraisal**

6.1 The existing condition no. 3 reads :

'The roller shutter doors shall not be opened between the times of 6.00 pm until 8.00 am Monday to Friday, 1.00 pm to 8.00 am Saturday and at no time on a Sunday, Bank or Public Holiday.

Reason: To safeguard the amenities of the locality.'

The proposed variation would be :

'The roller shutter doors shall not be opened between the times of 10.00 pm until 7.00 am Monday to Friday, 00.00 pm – 08.00 am, 13.00 pm to 00.00 am Saturday and at no time on a Sunday, Bank or Public Holiday.

Reason: To safeguard the amenities of the locality.'

6.2 The original conditions were imposed to protect the amenity of the adjoining property. The applicants wish to regularise the use so that it is compatible with the permitted working hours at the premises. The Environmental Health Officer has confirmed that if the door can be proved to be silent, or changed to a type that is silent in operation, permission may be appropriate. A suitable condition could be imposed to prevent implementation of the changes until such time as a suitable mechanism is approved.

6.3 Previous applications and noise monitoring have identified that the process operating from the premises is inaudible hence the extension of working hours previously granted . It is the lorry movement that creates the noise and these are under investigation by the Councils Enforcement Officer.

6.4 Accordingly it is considered acceptable to allow the extension of hours subject to a suitable mechanism being agreed for the door.

6.5 By agreeing the extended time period for use of the roll-a-shutter door it could have the potential for a noise generating activity such as fork lift trucks being used in the open yard prior to 8.00 am. To alleviate this concern a condition preventing such a use is recommended.

**RECOMMENDATION**

**That planning permission be granted subject to the following conditions :**

- 1. The roller shutter door shall be maintained at all times in a condition that prevents its noisy operation to the satisfaction of the Local Planning Authority to.**

**Reason: In order to protect the amenity of the adjoining residents.**

- 2. New time condition (22.00 to 07.00 hours Monday to Friday, 00.00 to 08.00 hours and 13.00 to 00.00 hours Saturday and no time on Sundays, Bank or Public Holidays)**

**Reason : In order to protect the amenity of the locality.**

- 3. The use of the forklift trucks shall take place only between the hours of 08.00 to 18.00 hours Monday to Friday and 08.00 to 13.00 hours Saturday and not at all on Sundays, Bank and Public Holidays.**

**Reason: In order to protect the amenity of the adjoining residents.**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies

**2 NE2003/1116/F - ERECTION OF 4 NO. ONE-BEDROOM FLATS AND 1 NO. TWO-BEDROOM BUNGALOW AT LAND WEST OF LONG ACRES, LEDBURY, HEREFORDSHIRE****For: Festival Housing Group per Singleton Architects  
59a Church Street Malvern Worcs WR14 2AA****Date Received:  
10th April 2003  
Expiry Date:  
5th June 2003****Ward:  
Ledbury****Grid Ref:  
70699, 37743**

Local Members: Councillors P Harling, B Ashton and Councillor D Rule MBE

**UPDATED REPORT****1. Site Description and Proposal**

- 1.1 This application was deferred at the last meeting of the Northern Area Planning Sub-Committee for a site visit.
- 1.2 The site is located on the western side of unclassified road 67211 known as Long Acres within Ledbury. Access to the site is gained via an existing vehicular access off Long Acres. The site is largely enclosed to the south; east and north by existing residential properties and to the west are the long rear gardens of the properties fronting onto Bridge Street, south of the site. The site is currently used as car park serving both the residents of Festival Housing properties on the southern boundary of the site and also other existing dwellings in the area. Ground levels are generally flat other than a drop of around 1.5 metres towards the existing properties on the southern boundary of the site. Much of the eastern boundary is enclosed by a mixture of panel fencing and hedging whilst the western boundary remains relatively open other than a post and wire fence. The site lies within the settlement boundary for Ledbury Town and is also within a primary residential area as identified in the Malvern Hills District Local Plan.
- 1.3 The application is for the construction of two developments, to the northern end of the site is proposed a two storey pitched roof development comprising of four one bedroom two person flats. Towards the southern boundary of the site a two bedroom pitched roof bungalow is proposed. The existing parking provision is also to be formalised along with additional parking to serve the new units, a total of fifteen spaces being provided. Also proposed is additional soft landscaping along with small areas of amenity space and drying areas to serve the properties. Finally, the existing pedestrian access to the Housing Association properties south of the site is also to be maintained with a new footpath through the site.

## 2. Policies

### **Hereford and Worcester County Structure Plan**

H16A – Housing in Rural Areas

H20 – Housing in Rural Areas Outside the Green Belt

T12 – Car Parking

CTC9 – Development Requirements

### **Malvern Hills District Local Plan**

Housing Policy 3 – Settlement Boundaries

Housing Policy 11 – Affordable Housing for Local People in Rural Areas

Housing Policy 17 – Residential Standards

Housing Policy 18 – Tandem and Backland Development

Landscape Policy 8 – Landscape Standards

Transport Policy 3 – Provision for Pedestrians and Cyclists

Transport Policy 7 – Road Design and New Development

Transport Policy 8 – Car Parking and Servicing Requirements

Transport Policy 9 – Safeguarding of Existing Car Parks

Transport Policy 10 – Car Park Design

### **Hereford Unitary Development Plan (Deposit Draft)**

S3 – Housing

H3 – Managing the Release of Housing Land

H9 – Affordable Housing

H13 – Sustainable Residential Design

H14 – Re-Using Previously Developed Land and Buildings

H15 – Density

H16 – Car Parking

S6 – Transport

T6 – Walking

T11 – Parking Provision

T12 – Existing Parking Areas

### **Other Guidance**

Planning Policy Guidance Note 3 - Housing

## 3. Planning History

MH97/1443 – Erection of 3 No. Two Bedroom Four Person Houses – Refused 10<sup>th</sup> February 1998. The refusal reasons are outlined in full below.

1. The proposed development is contrary to Housing Policy 17 of the Malvern Hills District Local Plan in that the close proximity of the proposed dwellings to existing dwellings and the extensive car park will have an adverse effect on residential amenity and create a poor residential environment for future occupiers.
2. The car parking provisions shown on the deposited plan does not meet the car parking standards set out in Transport Policy 8 of the Malvern Hills District Local Plan.

#### 4. Consultation Summary

Nothing to report

#### 5. Representations

5.1 Ledbury Town Council recommend refusal as the development would be contrary to Housing Policy 17 and Transport Policy 7 as set out in the previous proposal on the site in 1997 and also contrary to Housing Policy 18, Tandem and Backland Development as there would be:

- (1) a significant adverse effect of the amenity of neighbouring properties
- (2) a significant impact on the character of the area and
- (3) unsatisfactory vehicular access, access driveway and parking within the site

The precedent was set on 11<sup>th</sup> November 1997 when a similar planning application was refused on these grounds. The Malvern Hills District Local Plan was used as the benchmark and is still in force now.

The Town Council re-iterate the above in respect to the amended plans.

5.2 Eleven letters of objection along with a petition from 47 residents living in the area have been received to the original plans and a further 5 letters from original objectors have been received to the amended plans. The main points raised are:

- 1) Planning Permission was refused in 1998 for a lesser development than the one now proposed due to the impact of the development on the surrounding residential environment and inadequate parking provision. The planning policies and refusal reasons are still relevant today.
- 2) I am concerned with who will occupy the flats if permission is given as problems with noise nuisance and possibly even drugs may arise.
- 3) There is already too much traffic on Long Acres with people using the road as a shortcut to access the Primary School, Tesco Supermarket and the new housing development adjacent to the school. The proposed flats will further increase traffic on an already congested road resulting in increased noise and disturbance.
- 4) Some 30 years ago the site in question was purchased by Ledbury UDC to provide adequate vehicle parking for the residents of Long Acres, Queensway, Margaret Road and Barnets Avenue estates. The loss of this parking area would lead to increased parking on Long Acres and other adjoining highway to the detriment of highway safety. The nearby Bridge Street car park could also not be used, as parking during the hours of darkness parking is not permitted. The site should remain as a car park.
- 5) The access to the site is narrow, only has one pavement and visibility splays are restricted due to the electricity sub station. There is also no provision for parking to serve existing properties adjacent the site, which frequently use the site for parking.

- 6) If a private developer applied for permission to build on the site it would be turned down for the reason of background development. This stance should also apply to the current application.
  - 7) The parcel of land is too small for housing and the views from our property would be completely obliterated if the development is permitted.
  - 8) We will lose our privacy, light and general amenity due to the close proximity of the flats to our house resulting in a devaluation of our property.
  - 9) I question whether the public sewers have sufficient capacity to accommodate the proposed flats.
  - 10) There is little or no space for a dustcart, fire engine or ambulance to turn within the site.
  - 11) This development if permitted will set a precedent for the development for all of the properties fronting onto Bridge Street with large rear gardens.
  - 12) The development is in conflict with comments made by the Planning Officer in the Committee Report accompanying the previous refusal concerning residential amenity and access, which still apply. This is in conflict with a number of policies from the Malvern Hills District Local Plan including Housing Policies 17, 18, Transport Policy 7 and Ledbury Housing Policy 1.
  - 13) The development is also in conflict with a number of Policies from the Unitary Development Plan including Policies S3 Housing, H2 Housing Land Allocations, H13 Sustainable Residential Design, S6 Transport and T12 Existing Parking Areas in that the site is not environmentally suitable to accommodate the development proposed. The proposed housing provision for Ledbury contained within the UDP has already been provided. The access is substandard, there will be conflict between vehicle and pedestrian safety, development will adversely affect the residential amenity of the surrounding properties and the development will create further congestion at Long Acres.
  - 14) The use of the site for fly tipping as suggested by the applicant is non-existent.
  - 15) The applicant should be required to demonstrate a need for the development.
  - 16) The amended plans do nothing to overcome concerns raised regarding impact upon amenity of neighbouring properties and highway safety and consequent compliance with adopted planning policies.
- 5.3 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officers Appraisal**

- 6.1 The application has been submitted by Festival Housing Group (formerly Elgar Housing) for the construction of two, two bedroom flats in one unit to the south of the site and one two bedroom bungalow to the northern end of the site. Each unit is to be constructed from a mixture of brick and render under a pitched tiled roof. Also proposed is the provision of 15 parking spaces to serve both the proposed units and

existing flats to the southern end of the site which front onto Bridge Street. The plans have been amended to address concerns by the transportation and planning officers. In particular, a two storey unit creating 2No. two-bedroom flats have been replaced with a two-bedroom bungalow and various alterations to the design of the units along with alterations to the internal access junction have been undertaken.

- 6.2 The site lies within the settlement boundary for Ledbury where the principle of residential development is supported subject to a number of criteria. Furthermore, the current and previous use of the site as a car park constitutes fixed surface infrastructure as defined by annex C of Planning Policy Guidance Note 3. As such the site falls within the definition of previously developed land or brown field land which both Planning Policy Guidance Note 3 and the forthcoming Unitary Development Plan Policies are supportive of being developed, again subject to a number of criteria being met. With respect to the use of the site as a car park, there is no requirement for this use to remain and the applicants could if they wish to do so prevent the use of the site as a car park for adjoining residents. The Head of Engineering and Transportation is also satisfied that loss of the site for parking provision for nearby residents will not create any undue impact on highway safety or increase congestion at Longacres particularly with the level of parking which is proposed. As such the principle of developing the site is accepted both in terms of its classification as brown field land within close proximity to Ledbury Town Centre and also in terms of the loss of the use of the site as a car park for nearby residents.
- 6.3 The development has been laid out and the properties designed in a manner, which safeguards the privacy and amenity of surrounding properties. The structures are positioned along the western boundary of the site so as to increase the distance between existing and proposed properties. The northern unit is sited around 34 metres from the nearest properties to the north, and 17.5 metres from the nearest properties to the east, whilst the southern unit is 23 metres from the nearest properties to the east and south. These distances are considered sufficient to preserve the general amenity of neighbouring properties and prevent any undue loss of privacy through overlooking nor any unacceptable loss of light. Furthermore, the only first floor window overlooking properties and their gardens to the east is serving a bathroom and will be obscure glazed. Finally the northern unit has been sited in between existing dwellings known as Rosina and Frensham so as to retain their outlook as far as possible.
- 6.4 The flats and bungalow have been designed in a largely conventional manner incorporating some more modern features such as the fenestration. However, traditional materials are proposed which will ensure that the development will harmonise with the existing built development surrounding the site. The Head of Engineering and Transportation is satisfied with the safety and capability of the existing access onto Long Acres to accommodate additional traffic and the internal parking/manoeuvring areas have been revised to ensure an emergency/refuse vehicle can enter and leave the site in a forward gear. The parking layout and provision is considered adequate for both the existing and proposed units and each flat and the bungalow will have sufficient private amenity space and communal patio/drying areas. Existing pedestrian links from the site to Bridge Street are to be retained and additional soft landscaping and tree planting is proposed which will further enhance the residential environment. Although the site has been submitted by Festival Housing and it is likely that the flats will be occupied and managed as Housing Association properties, given that the site is considered acceptable for residential development it is not considered necessary to either restrict or maintain control over the occupants of the dwellings by way of legal agreement, neither is it

considered necessary for the applicants to demonstrate a need for the proposed flats.

- 6.5 The development has been designed in a manner which respects the privacy and amenity of surrounding properties and the general residential environment within the immediate area through the careful layout and design of the properties, parking areas and sensitive hard and soft landscaping. Furthermore, the dwellings are sited further away from the existing residential properties than with the previous refusal in 1998 and the parking provision is in accordance with guidance set out within Planning Policy Guidance Note 3 and the forthcoming Unitary Development Plan Policy. As such it is considered that the two reasons for refusal of the proposal in 1998 have been fully addressed and overcome with the current application.
- 6.6 The objectors have commented that the development does not accord with a number of specific policies both within the adopted Malvern Hills District Local Plan and draft Unitary Development Plan. However, your officers consider that the criteria set out in the relevant policies have largely been met with the development proposed. Firstly, the road design and access is to the satisfaction of the transportation officer. As the development is not to be adopted there is no requirement for any white lining or street lighting and therefore the requirements of Transport Policy 7 have been met. Secondly, the development is considered to accord with Housing Policy 17 (residential standards) and Housing Policy 18 (Tandem and Backland Development) in terms of the design and layout of the development, impact upon amenity and the character of the area and again satisfactory access and parking arrangements.
- 6.7 The development is therefore considered acceptable and in accordance with the relevant adopted development plan policies and additional guidance contained within Planning Policy Guidance Note 3.

## RECOMMENDATION

**That planning permission be granted subject to the following conditions:**

**1 - A01 (Time limit for commencement (full permission) )**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

**2 - A09 (Amended plans )**

**Reason: To ensure the development is carried out in accordance with the amended plans.**

**3 - B01 (Samples of external materials )**

**Reason: To ensure that the materials harmonise with the surroundings.**

**4 - E01 (Restriction on hours of working )**

**Reason: To safeguard the amenities of the locality.**



**5 - E02 (Restriction on hours of delivery )**

**Reason: To safeguard the amenities of the locality.**

**7 - G02 (Landscaping scheme (housing development) )**

**Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.**

**8 - G03 (Landscaping scheme (housing development) - implementation )**

**Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.**

**9 - F18 (Scheme of foul drainage disposal )**

**Reason: In order to ensure that satisfactory drainage arrangements are provided.**

**10 - E18 (No new windows in specified elevation )(east and west elevation)**

**Reason: In order to protect the residential amenity of adjacent properties.**

**11 - E19 (Obscure glazing to windows )(east and west elevation)**

**Reason: In order to protect the residential amenity of adjacent properties.**

Decision: .....

Notes: .....

.....



**3 NC2003/1360/F - 3 NO. 3-BEDROOM COTTAGES & 1 NO. 1-BEDROOM COTTAGE, WITH 6 CAR PARKING SPACES ON SITE ADJACENT TO BISHOPS GARAGE, THE BYPASS, BROMYARD.**

**For: Mr J Bishop per Linton Design Group, 27 High Street, Bromyard, Herefordshire HR7 4AA**

**Date Received:**  
7th May 2003  
**Expiry Date:**  
2nd July 2003

**Ward:**  
Bromyard

**Grid Ref:**  
65648, 54486

Local Members: Councillors P Dauncey and B Hunt

### **Introduction**

Members will recall that this application was deferred for a site visit. The report has been updated since the last committee.

### **1. Site Description and Proposal**

- 1.1 The site currently forms a grassed area used in part for the display of cars for sale, associated with the adjacent garage.
- 1.2 It stands in an elevated position adjacent to the A44 Bromyard By-Pass. The site lies within the Conservation Area, with a listed building, Sherford House, standing to the rear of the site.
- 1.3 This is a full application for a terrace of 4 properties including 1 one-bed cottage and the remaining being three-bed units.
- 1.4 Access to the site is via a reconfigured entrance which will be shared with the users of the adjacent garage.

### **2. Policies**

- 2.1 PPG3 – Housing  
PPG15 – Planning and the Historic Environment

### **2.2 Malvern Hills District Local Plan**

Housing Policy 2 – Development in main towns  
Housing Policy 17 – Residential standards  
Conservation Policy 2 – New development in Conservation Areas  
Conservation Policy 11 – The setting of listed buildings

### 2.3 Herefordshire Unitary Development Plan (Deposit Draft)

H1 Hereford and the Market Towns

H5 – Density

HBA4 – Setting of listed buildings

HBA6 – New development within Conservation Areas

### 3. Planning History

MH1265/93 – New single dwelling adj Ross's Garage. Planning permission granted 4.1.94.

96/0256 – New porch at 44 Sherford Street. Planning permission granted 4.4.96.

NC2002/2282/F - 2 detached dwellings with ancillary garages. Refused 16.9.02, for the following reasons:

1. *The proposed new dwellings, by reason of their scale, design and layout, would have a detrimental impact on the appearance of the streetscene and character of the Bromyard Conservation Area contrary to Bromyard Conservation Policy 2 and Conservation Policies 1, 2 and 3 of the Malvern Hills Local Plan. Further, the siting of plot 2 within the canopy of a mature copper beech could lead to root damage.*

*The scale and siting of the units, in their elevated position, close to the boundary of adjacent residential properties would appear unduly overbearing and intrusive such that they will be detrimental to the amenities enjoyed by these neighbouring properties. As such the proposal is contrary to the aims and objectives of Bromyard Housing Policy 1 and Housing Policy 17 and Conservation 1, 2 and 3 of the Malvern Hills Local Plan, which seek to protect the area against inappropriate and harmful forms of development.*

2. *The layout indicated on the deposited plan accompanying this application is at variance with the requirements of the County Council's Design Guide and Specification for Residential Roads.*
3. *The introduction of any new or alternatively the adaptation and use of any existing access to serve the proposed development involving additional vehicles slowing down and making turning movements, together with the presence of waiting vehicles on the carriageway of the adjoining road would be contrary to the interests of highway safety. All contrary to Transport Policy 8 of the Malvern Hills Local Plan.*

### 4. Consultation Summary

- 4.1 Welsh Water: No objection subject to conditions regarding foul and surface water drainage.

### 5. Representations

- 5.1 Town Council: Recommend refusal due to access problems and over-development of the site.

## 5.2 Three letters of objection have been received from

Mrs Broadbent, 42 Sherford Street  
Douglas Story and Peter Ascroft, Sherford House, Sherford Street.  
Sarah Fellows, 40 Sherford Street

The main concerns are summarised as follows:

- New development will overlook garden and into kitchen window
- Insufficient parking will lead to congestion in Sherford Street
- Site unsuitable for such development
- Potential loss of sky and light
- Bromyard is being destroyed by present day buildings
- Clarification required regarding access and a valid permission to cross this land
- Entry and exit on the busy road will be hazardous
- Adverse impact on setting of Sherford House, Bromyard's only fine building of the 18th century
- Potential impact on protected Copper Beech tree
- Inaccuracy of boundary to Sherford House
- Details of levels needed
- Design of houses out of keeping with character of area
- 1993 permission for house not taken up, since when site used without permission for car sales
- Important site calls for building of quality such as one house of high quality design
- Group of starter houses should be part of mixed sizes

## 5.3 The full text of these letters can be inspected at Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officers Appraisal

6.1 This application has been submitted following refusal of planning permission for two large detached houses. Careful consideration has been given to the siting and design of the units in order to safeguard the character and appearance of the area. The terrace provides new dwellings of modest proportions which reflect the pattern of frontage development to the west, Victoria Avenue, and the adjacent cottages in Sherford Street.

6.2 The building line has been staggered to follow the fall in the land and also to maintain suitable separation between adjacent residential properties and the mature copper beech to the rear, in Sherford House's garden. Furthermore, the development is not considered to adversely affect the setting of Sherford House, which remains visually detached from the development.

6.3 Clarification has been sought regarding accuracy of survey drawings and minor revisions have been requested to the front elevations and entrance details.

6.4 Subject to receipt of amended plans the proposed dwellings are considered acceptable and appropriate to the general character of the area.

**RECOMMENDATION**

That planning permission be granted subject to the following conditions:

- 1 - A01 (Time limit for commencement (full permission) )

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2 - A09 (Amended plans) (1117/1/A, 1117/3/A and 1117/10, received on 30 June 2003)

Reason: To ensure development is carried out in accordance with the amended plans.

- 3 - No development shall take place until details or samples of materials to be used externally on walls and roof, together with details of brick bond, mortar mix, barge boards, rainwater goods, and construction and colour finish of doors and windows, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings.

- 4 - C04 (Details of window sections, eaves, verges and barge boards) (After 'commence' insert 'colour finishes and architectural details' and after 'barge boards' insert 'and porches')

Reason: To ensure appropriate detailing in the interest of visual amenity.

- 5 - H13 (Access, turning area and parking )

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 6 - G04 (Landscaping scheme (general) )

Reason: In order to protect the visual amenities of the area.

- 7 - G05 (Implementation of landscaping scheme (general) )

Reason: In order to protect the visual amenities of the area.

- 8 - G06 (Scope of landscaping scheme ) (condition 4)

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

- 9 - G01 (Details of boundary treatments )

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

- 10 - No development shall take place until an accurate site plan has been submitted indicating the position of the adjacent copper beech together with the full extent of its canopy spread.

Reason: To ensure adequate protection to existing trees adjacent to the development, in the interests of the character and amenities of the area..

- 11 - F48 (Details of slab levels )

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

- 12 - F18 (Scheme of foul drainage disposal )

Reason: In order to ensure that satisfactory drainage arrangements are provided.

- 13 - Further to condition 12 above, foul and surface water discharge shall be drained separately from the site.

Reason: To protect the integrity of the Public Sewerage System.

- 14 - No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

- 15 - No land drainage run-off will be permitted either directly or indirectly, to discharge into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

- 16 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed in the end gable elevation of the property, facing Sherford Street.

Reason: In order to protect the residential amenity of adjacent properties.

- 17 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences/gates/walls/garages/building/extension/dormer windows shall be erected/constructed other than those expressly authorised by this permission.

Reason: To safeguard the character and amenities of the area.

**Notes to applicant:**

- 1 - HN01 - Mud on highway**
- 2 - HN05 - Works within the highway**
- 3 - HN04 - Private apparatus within highway**
- 4 - HN10 - No drainage to discharge to highway**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**4 NC2003/0558/O - SITE FOR RESIDENTIAL DEVELOPMENT ON LAND ADJACENT TO THE KNAPP, NODENS LANE, YORK ROAD, BROMYARD, HEREFORDSHIRE**

**For: Mr G Firkins per Mundy Construction Services,  
5 Upper Court, Luston, Leominster HR6 OAP**

**Date Received:**  
4th April 2003

**Ward:**  
Bromyard

**Grid Ref:**  
65013, 54686

**Expiry Date:**  
30th May 2003

Local Member: Councillors P J Dauncey and B Hunt

## **Introduction**

This application was deferred at the last meeting of the Northern Area Planning Sub-Committee on 25 June in order for a site visit to take place.

### **1. Site Description and Proposal**

- 1.1 The site is an area of overgrown land on the north side of a narrow, unmade track, which leads from York Road to Nodens Lane. It is 0.11ha in area. The site is bounded on its western side by the rear gardens to the houses in York Road. The site is rising ground. The Knapp recreational park is lies to the east.
- 1.2 The site is located within a primarily residential area as shown on Inset Map No. 13.0 Bromyard, in the Malvern Hills District Local Plan, but is itself identified as an extension to The Knapp recreation ground.
- 1.3 This is an outline application for residential development that leaves all matters for future consideration.

### **2. Policies**

- 2.1 PPG1 - General Policy and Principles  
PPG3 – Housing

#### **2.2 Malvern Hills District Local Plan**

Housing Policy 2 – Development in main towns  
Housing Policy 17 – Residential standards  
Bromyard Housing Policy 1  
Bromyard Housing Policy 2  
Bromyard Recreation Proposal 1

### 2.3 Herefordshire Unitary Development Plan (Deposit Draft)

H1 – Settlement boundaries and primarily residential areas

### 3. Planning History

MH943/76 - 9 bungalows and one detached house. Refused 14.6.76.

NC2002/0734/O - Site for dormer bungalow and garage. Withdrawn.

### 4. Consultation Summary

4.1 Nothing to report.

### 5. Representations

5.1 Bromyard and Winslow Town Council: 'Resolved to support the application but to ask that a provision is made within the approval for the roadway leading to the site to be made good and brought up to county standard. Also that adequate access is possible for emergency vehicles.'

5.2 Letters of objection have been received from:

Mrs S Russell, 6 The Knapp, York Road, Bromyard.

Mrs D M Seale, 88 Old Road, Bromyard

Mr and Mrs J H Halling, Three Gables, Old Road, Bromyard

Mr R P Shearsmith, 46 York Road, Bromyard

Mrs S Turner-Barratt, The Poppy Seed, 28 York Road, Bromyard

Mrs M Birch, 44 York Road, Bromyard

The main points raised include:

- a) the lane is inadequate in width to serve this proposal or to provide access for emergency vehicles;
- b) access onto York Road has poor visibility; and
- c) the lane is in poor condition to provide further access

5.3 The full text of these letters can be inspected at Planning Services, Blueschool House, Blueschool Street, Hereford, and prior to the Sub-Committee meeting.

### 6. Officers Appraisal

6.1 Although the site is located within a primarily residential area as shown in the Malvern Hills District Local Plan, it is shown on Inset Map No. 13.0 as Extension to The Knapp Recreation Ground, where Bromyard Recreation Proposal 1 is applies. It is the intention of this policy that the land should be planted as informal woodland and be used as an extension to the recreation ground. This allocation was proposed because part of The Knapp Recreation Ground was to be developed with 9 houses and garages. While, planning permission had been granted for this development, MH92/0426/O, it has now lapsed. This is an outline application to establish the

principle of housing development on this site. In terms of current density levels, as advocated in PPG3 the site has a potential for the construction of 4 dwellings.

- 6.2 The Herefordshire Unitary Development Plan (Deposit Draft) acknowledges that the site has been vacant and that the woodland has not been planted and accordingly has been redesignated as primarily residential area, where new housing development is to be permitted. Although the Plan is not yet adopted by the Council, it is a material consideration in the planning process. The weight it can be attributed is judged by the objections received on the draft proposals. There have been no objections about the redesignation of the site to primary residential. It is therefore assumed that the proposed designation principle of residential development of the land will proceed to adoption.
- 6.3 Notwithstanding the objections received, in respect of the condition of the lane serving the site, and its egress onto York Road, the Head of Engineering and Transportation, Divisional Surveyor (North) does not consider the lane to be inadequate in its width or construction to provide access. Insofar as visibility onto York Road is concerned, it is acknowledged that vehicles larger than medium sized vans and emergency services, as well as removal vehicles and the delivery of building materials, would have difficulty attending the site.
- 6.4 While the proposal is strictly premature in policy terms, on balance the proposal is considered to be acceptable.

## RECOMMENDATION

**That planning permission be granted subject to the following conditions:**

**1 - A02 (Time limit for submission of reserved matters (outline permission) )**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

**2 - A03 (Time limit for commencement (outline permission) )**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

**3 - A04 (Approval of reserved matters )**

**Reason: To enable the local planning authority to exercise proper control over these aspects of the development.**

**4 - A05 (Plans and particulars of reserved matters )**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**5 NE2003/1037/F - PROPOSED DIY STORE, GARDEN CENTRE & CAR PARKING ON LAND OFF LEADON WAY, NEW MILLS, LOWER ROAD TRADING ESTATE, LEDBURY, HEREFORDSHIRE**

**For: Pettifer Estates Ltd per Mr P H Bainbridge, Stone Cottage, Duke Street, Withington, Hereford, HR1 3QD**

**Date Received:**  
3rd April 2003

**Ward:**  
Marcle Ridge 1998-  
2003

**Grid Ref:**  
70044, 37788

**Expiry Date:**  
29th May 2003

Local Member: Councillor D Rule MBE

**1. Site Description and Proposal**

- 1.1 This site is located at the junction of Lower Mills Road and the Lower Mills roundabout on Ledbury By-Pass immediately adjacent to Ledbury Welding. The site is presently vacant and forms one of the few remaining undeveloped parcels of land on the New Mills Estate.
- 1.2 The proposal is to construct a DIY Store and Garden Centre with associated car parking. The DIY area will measure 2323 square metres gross while the Garden Centre will be 929 square metres. The building will have a brick plinth 2.5 metre high with metal sheeting above and for the roof which is also hipped.
- 1.3 The applicants have submitted a Traffic Impact Assessment and a Retail Impact Assessment in support of their proposal.

**2. Policies**

PPG6 – Town Centres and Retail Developments  
PPG13 – Transport

**Malvern Hills District Local Plan**

Employment Policy 2 – The Retention of Existing Industrial Land  
Employment Policy 5 – Retail Uses in Industrial Areas

**Herefordshire Unitary Development Plan (First Deposit Draft)**

E5 – Safeguarding Employment Land and Buildings  
TCR9 – Large Scale Retail Development Outside the Central Shopping and Commercial Areas

### **3. Planning History**

- 3.1 MH320/89 – Residential development, industrial development, community hospital, ancillary roads, sewers, open space, landscaping outline – Allowed on appeal 9 August 1998.
- 3.2 MH1055/94 – Variation of condition 3 on MH320/89 to extend time limit for submission of Reserved Matters to 25 March 2001. Approved together with modifications to New Mills Section 106 Agreement 29 March 1996.
- 3.3 NE2001/0837/O –Application for family restaurant (A3 Use) and motorist rest shop facilities, with associated car parking and open use coach park – Approved 30 October 2001.

### **4. Consultation Summary**

- 4.1 The Environment Agency have submitted a holding objection due to part of the site flooding. A verbal update will be made at the meeting however the applicants have been in negotiations with them and indications are that a suitable condition will overcome these concerns.

### **5. Representations**

- 5.1 Ledbury Town Council make the following comments: Members would like to see some car park spaces retained for non-customer use for people using the Riverside Walk. They would like to see customer toilets included in the development, together with plans for a cafeteria. They would like to see the extensively used, but unofficial, footpath on this site, either retained or an alternative provided.
- 5.2 Ledbury Area Cycle Forum has reviewed the full planning application made for a DIY Store and Garden Centre to be located on land adjacent to the Ledbury Road Trading Estate. While LACF as a body takes no view on the desirability or otherwise of the proposed development, the plans as currently submitted require some amendments in order to conform to the Malvern Hills District Local Plan in respect of cycle parking. Therefore, in order to ensure that this aspect of the plans is given appropriate consideration, LACF objects to the development as proposed.

Section 8.5.1 of the Malvern Hills District Local Plan requires that any major development should provide secure parking facilities. While the plans show an area reserved for cycle parking immediately adjacent to the entrance, this is not shown to be undercover. LACF do not consider this to be a substantive issue for visitors to the proposed development. However, secure, undercover cycle parking should be provided for staff at the development. Without such provision the proposed development does not comply with the relevant planning guidance in the Malvern Hills District Local Plan. If appropriate provision was made, for instance the installation of individual cycle lockers, LACF would withdraw this objection.

LACF would also recommend that shower and locker provision for staff should be adequate to facilitate those wishing to use non-motorised transport to get to work (the single shower provided may be insufficient in a mixed-sex workforce).

LACF would further suggest that Herefordshire Council consider asking the developer to fund as planning gain the integration of the new development into the cycle and

pedestrian network. The developer has stated that the good access for disabled people, pedestrians and cyclists is a key factor in his application (e.g. Section 6.1 of "Report to Planning Services document"). However, access for these groups could be made substantially safer and more extensive by minor changes to the local infrastructure:

- 1) Create dual-use path on east side of New Mills Way linking existing dual-use route with ring-road roundabout. Continue dual-use path along north-east side of access road to Trading Estate (3M minimum width: currently no pavement at all on this road). Alternatively, provide Toucan crossing across New Mills Way from cyclepath on western side of carriageway to the proposed dual-use path on the north-east side of Lower Road Trading Estate access road.
- 2) Provide toucan crossing across Lower Road Trading Estate access road from dual-use path proposed in (1) to a separate pedestrian/cycle access in to the new development.
- 3) Provide safe, vehicle free path for pedestrians and cyclists within the development from the entrance proposed in (2) to both the DIY store and Garden Centre. Note this is a requirement of the Malvern Hills District Local Plan (Transport Policy 3) and thus should be a condition on any planning consent.
- 4) Create dual-use path along footpath L2 to link Barnett Close (and thus the existing cycle pedestrian/cycle network) to the proposed toucan crossing on the access road to the Lower Road Trading Estate.

LACF looks forward to constructive discussions with Herefordshire Council and the developer on these issues.

- 5.3 The CPRE comment that the site is near the bypass and not, we suggest, within convenient walking distance from the centre of Ledbury. It should therefore be classed, in our view, as an out-of-town shopping centre. This view is reinforced by the inclusion in the planning application of a car park for 100 or more cars.

We understand that central government guidance includes a presumption against out-of-town shopping centres, because of the adverse effect on High Street shops. We also understand that under Malvern Hills Local Plan the site in question was to include a coach park and no such provision is included in the application.

The centre of Ledbury already has a DIY store and Garden Centre – in the Homend – and we think it a reasonable assumption that the proposed new stores would jeopardise the future of the existing stores. We suggest it would be quite wrong, and against Government policy, to put these central shopping facilities at risk.

Moreover, the Countrywide store off the bypass already provides for DIY shopping and garden centre. We suggest this provides as much competition as the 'High Street' shops can be expected to handle.

We therefore ask the Council to refuse this application.

- 5.4. The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officers Appraisal

6.1 This application has evolved after lengthy discussions with the applicants concerning the impact a proposal of this nature will have on:

1. Ledbury Town Centre
2. Traffic Impact
3. The proposed coach park
4. Design and siting of the building

One notable aspect of the application is the limited objections to the proposal. They are limited to the Environment Agency on a technical issue, Ledbury Cycle Forum whose concerns have been mainly addressed by the applicants and CPRE regarding the impact on the Town Centre.

The land is zoned as an existing industrial commitment in the Malvern Hills Local Plan and safeguarded employment land in the Unitary Development Plan. As such the land would normally be protected for employment uses ins (MHPL Policy E2 and E5 and the Unitary Development Plan Policy E5 and TCR9) and by paragraph 5 – 114 in PPG6. However, this site does have the benefit of planning permission for an A3 use and prior to that for a petrol station and has never been in employment use or had an employment permission. Therefore, in this exceptional instance the principle of an alternative use is acceptable. Although, any further loses of employment land in Ledbury would be unacceptable due to the limited supply of available, unconstrained land (approximately six years at current build rates).

### 1. Ledbury Town Centre

The retail impact assessment has been assessed by the Councils consultant who confirms that there is sufficient need and absence of harm to support a grant of planning permission. Furthermore, in terms of its location and in line with PPG 6 an assessment in relation to its position has also been undertaken. PPG 6 requires that the first preference is for a town centre site. The Development Plan does not identify any sites for this size of development and due to the nature of the historic town centre it is extremely unlikely that a site could be forthcoming. Furthermore no edge of centre sites are available due again to the nature of Ledbury town centre which is constrained by residential development. Therefore out-of-centre locations have to be considered and in this respect the site is still within the development boundary of the town is available for development and on a sequential approach is the nearest available site to the town centre. Accordingly due to the lack of harm to the viability and vitality of the town centre the sites location is also considered to comply with the Development Plan and Government Advice contained in PPG 6.

The agent has suggested a condition regarding the range of goods to be sold at the premises. This is too extensive in your officers opinion. Therefore the condition will be more limiting. Furthermore it will be the same condition as used on the DIY Focus store for Ross-on-Wye. This will therefore create uniformity between market towns and protect the town centre.



## 2. Traffic Impact

A Traffic Impact Assessment was submitted by the applicants and has been assessed by the Transportation Manager who is satisfied that identified parking is acceptable and that the road network has sufficient capacity to take the proposed increase in traffic.

## 3. Coach Park/Cycle Way

The previous application for an A3 use on this site included, after negotiations, a 4 bay coach park. The applicants have confirmed that they cannot incorporate this within their scheme but have offered a contribution towards the provision elsewhere. The contribution equates to the construction costs of the coach park. During negotiations this figure has been increased to assist within enhanced off-site cycle way provision. New Mills in particular has a good cycle network and it is proposed that this site will link into that network. Although the loss of the coach park is regretted it should be noted that the previously identified site has been developed by the Council without an alternative provision being made. Therefore the contribution, which local members have been advised of, is considered to be an acceptable alternative. Investigation for a coach park are continuing.

## 4. Visual Impact

This site is well screened, but elevated from the by-pass. The main vantage point will be when travelling south along the by-pass. In this respect you will see the front of the store which is broken by the use of contrasting materials, the entrance hall and landscaping. It will also be seen against the large Ledbury Welding. Building adjacent. Accordingly the siting and design are considered acceptable.

In addition the applicants have also offered 8 car parking spaces to be identified as dual use for visitors to the Leadon Way Picnic Area during opening times of the store. A recent application by the Council to develop a site was withdrawn following highway concerns over the access.

## Conclusion

The application has been fully assessed and considered to comply with the requirements of both PPG6 and the Development Plan. A Section 106 is required to secure the contribution towards the coach park and off site cycle network improvements.

## RECOMMENDATION

**The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to secure the contribution to coach parking and cycle network and any additional matters and terms as she considers appropriate.**

Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:

**Note to Applicant:**

This permission is granted pursuant to an agreement under Section 106 of the Town and Country Planning Act 1990.

That the officer named in the Scheme of Delegation to Officers be authorised to amend the above conditions as necessary to reflect the terms of the planning obligation.

**1. A01 - Time limit for commencement (full permission)**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

**2. A06 - Development in accordance with approved plans**

**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.**

**3. The premises shall be used as a DIY store and garden centre within Class A1 of the Town and Country Planning (Use Classes) Order 1987 only excluding:-**

- i) the sale of food and drink to be consumed off the premises;**
- ii) sale of clothing and footwear;**
- iii) sale of cutlery, crockery and glassware;**
- iv) sale of jewellery, clocks and watches;**
- v) sale of toys, camping and travel goods;**
- vi) sale of books, audio and visual recordings and stationery;**
- vii) furniture, carpets and electrical 'white' goods; other than those designed for use in gardens or patios' or in conservatories.**
- viii) sale of medical goods, equipment and clothing;**
- ix) sale of sports goods, equipment and clothing;**
- x) all uses within Categories A1, (B to F and I and J), of Class A1;**

**except where the retail sale of these goods forms a minor and ancillary part of the operation of the retail activity.**

**4. Highway details**

**5. Cycle/footpath link**

**6. New seating/signage**

**7. Landscaping**

**8. Flood storage**

- 9. **Materials**
- 10. **Boundary treatment**
- 11. **Opening hours**
- 12. **Range of goods**
- 13. **Delivery times**
- 14. **Single occupier**
- 15. **Drainage**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**6 NE2003/1293/F - ERECTION OF ONE DWELLING AT  
21 BANK CRESCENT, LEDBURY, HR8 1AD****For: Mr J Evans per Mr B Pugh, 63 Cherry Tree Lane,  
Halesowen, Birmingham. B63 1DU****Date Received:****30th April 2003****Expiry Date:****25th June 2003****Ward:****Ledbury****Grid Ref:****71080, 37980**

Local Members: Councillors B Ashton and P Harling

**1. Site Description and Proposal**

1.1 The site is located immediately to the east of unclassified road 67206 known as Homend Crescent within Ledbury Town. The area is primarily residential with the site being surrounded to the north, east, south and west by existing residential properties varying from dormer bungalows to large detached dwellings. The site currently forms part of the garden associated with 21 Bank Crescent and is largely set out to lawn broken up with a number of mature fruit trees and other semi mature trees and hedgerows along the north western and southern boundaries. Also adjacent but not within the application site is a detached single car garage and access thereto which falls outside of the applicant's ownership. Ground levels fall relatively steeply from east to west, the site being around 2 metres higher than Homend Crescent.

1.2 The applicant wishes to construct a 4 bedroomed detached dwelling sited approximately 8 metres back from the edge of the pavement. Also proposed is the creation of 3 off-road parking spaces with a new vehicular access off Homend Crescent.

**2. Policies****Hereford and Worcester County Structure Plan**

H16A – Housing in Rural Areas

H18 – Housing in Rural Areas outside the Green Belt

CTC9 – Development Requirements

**Malvern Hills District Local Plan**

Housing Policy 3 – Settlement Boundaries

**Herefordshire Unitary Development Plan (Deposit Draft)**

S3 – Housing

H1 – Hereford in the Market Towns, Settlement Boundaries in Established Residential Areas

H13 – Sustainable Residential Design

### 3. Planning History

- 3.1 MH1752/76 – Extension to garage and kitchen. Additional bathroom and porch – approved 5/10/1976.

### 4. Consultation Summary

- 4.1 Severn Trent Water has no objection subject to a condition to ensure appropriate foul drainage arrangements are put in place as there are no public surface waters sewers available within the facility of the site to serve the development.

### 5. Representations

- 5.1 Ledbury Town Council recommend approval subject to the Highway Department's approval of the loss of parking space this will create in Long Homend Crescent.

- 5.2 Two letters of objection have been received from:

Mr G P & Mrs M J Chalkey, Briardene, 7 Bank Crescent, Ledbury and  
Samantha Bacham, Shawberries, Homend Crescent, Ledbury.

The main points raised are:

1. A 4 bedroomed 2-storey house is an overdevelopment of the site.
  2. The pre-dominant characteristics of the area are 1-storey bungalows close to the road with 2-storey houses set much further back. The proposed development will be equivalent to a 3-storey building to the detriment of the street scape.
  3. The development will entail the removal of a number of old orchard trees and other established trees are likely to be damaged during construction.
  4. The light received to my living room and bedroom windows will be severely restricted due to the proximity of the dwelling 2 metres from the boundary.
  5. Development will have a detrimental effect upon views from the garden which will amount to a large brick wall greatly changing the nature and feeling of space currently enjoyed in the garden.
  6. The development will effect the market value of my property.
  7. The design appears to be an off the shelf proposal from a company based many miles away. A well designed 1-storey development would be much more in keeping with the immediate area and would sit much more comfortably on the site.
  8. The plans are inaccurate as some of the land shown to be within the application site is owned by ourselves.
- 5.3 The full text of these letters can be inspected at Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

### 6. Officers Appraisal

- 6.1 The applicant proposes the construction of a 4 bedroomed detached dwelling within what is currently part of the garden of 21 Bank Crescent. The dwelling is to be constructed from brick under a pitched quarter hip roof with dormer style accommodation at first floor. The principle elevation and aspect being westwards across Ledbury Town.

- 6.2 The dwelling is sited around 8 metres back from the edge of the pavement to continue the existing building line of other properties fronting on to Homend Crescent. The site itself is sufficiently large to accommodate a dwelling of the size proposed in terms of its footprint with the associated amenity space and off street parking. The site is restricted somewhat by the location of the existing garage outside of the applicants ownership. However, following negotiations the scale of the dwelling has been reduced to ensure it is commensurate with the size of the plot and other plots/dwelling within the area. Furthermore, it is recommended that permitted development rights are removed to ensure the dwelling remains of an appropriate size for the plot.
- 6.3 Concern has been expressed regarding the scale of the dwelling and that it is out of character with the area. However, the area is not characterised by a particular scale, type or design of dwelling and therefore there is no precedent to be followed. Nevertheless the height of the dwelling has been minimised through utilising the roof space at first floor and the provision of dormer windows. Ultimately it is not considered that the scale of the dwelling with regards to its height in particular will appear unacceptably prominent within the site or result in an unacceptable loss of privacy for the adjoining neighbours in terms of loss of daylight/sunlight.
- 6.4 The Transportation Officer's concerns have been overcome through the creation of an additional parking space with 3 now being proposed along with the redesign and retaining walls so as not to endanger pedestrian safety when exiting the parking spaces. The development will entail the removal of a number of trees but these are not considered to be of sufficient amenity value to warrant protection and could be removed at any time without having to obtain consent. The design of the dwelling has balance and symmetry and subject to the use of appropriate materials, the dwelling will harmonise within the surrounding residential environment. A number of other matters raised by objectors such as the loss of views and the devaluation of property are not material planning consideration and other land ownership issues are ultimately civil matters. Nevertheless this latter point has been explored and the applicant's are satisfied that the entire application site is land within their ownership.
- 6.5 On balance, the proposal is therefore considered acceptable in accordance with the relevant development plan policies and subject to the conditions set out below.

## **RECOMMENDATION**

**That planning permission be granted subject to conditions:**

**1 - A01 (Time limit for commencement (full permission) )**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

**2 - A09 (Amended plans ) (9 July 2003)**

**Reason: To ensure the development is carried out in accordance with the amended plans.**

**3 - B01 (Samples of external materials )**

**Reason: To ensure that the materials harmonise with the surroundings.**

4 - E01 (Restriction on hours of working )

Reason: To safeguard the amenities of the locality.

5 - E18 (No new windows in specified elevation) (in the north west and south east elevation of the property)

Reason: In order to protect the residential amenity of adjacent properties.

6 - E19 (Obscure glazing to windows ) (on first floor on the south east elevations shall be glazed with obscure glass only)

Reason: In order to protect the residential amenity of adjacent properties.

7 - E16 (Removal of permitted development rights )

Reason: In order to clarify the terms under which consent is granted and bring any future enlargement of the property under the control of the local planning authority.

8 - F18 (Scheme of foul drainage disposal )

Reason: In order to ensure that satisfactory drainage arrangements are provided.

9 - G09 (Retention of trees/hedgerows )

Reason: To safeguard the amenity of the area.

10 - H13 (Access and parking )

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

**Notes to Applicant**

- 1 - HN01 - Mud on highway
- 2 - HN04 - Private apparatus within highway
- 3 - HN05 - Works within the highway
- 4 - HN10 - No drainage to discharge to highway

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**7 NE2003/1397/F - PROPOSED THREE CAR GARAGE WITH ENSUITE BEDROOM AND STORE OVER (FOLLOWING DEMOLITION OF EXISTING GARAGE AND BUNGALOW) AT UPLANDS ORCHARD, BURTONS LANE, WELLINGTON HEATH, LEDBURY, HEREFORDSHIRE, HR8 1NF**

**For: Mr & Mrs R Pugh per Peter Cripwell & Associates,  
3 St. Nicholas Street, Hereford. HR4 OBG**

**Date Received:**

**9th May 2003**

**Expiry Date:**

**4th July 2003**

**Ward:**

**Hope End**

**Grid Ref:**

**70341, 40375**

Local Members: Councillors R Mills & Councillor R Stockton

## **1. Site Description and Proposal**

- 1.1 The site is located to the north of the C1171 approximately ½ mile east of Wellington Heath. The site comprises of a large detached red brick and tiled roofed dwelling known as Uplands Orchard along with a further detached single storey structure formerly used as a self contained granny annexe. A large detached garage also existed alongside the annexe building but this has now been demolished. Also in the north western corner of the site is a mature oak tree, the remainder of the curtilage being relatively open. Ground levels fall away relatively steeply to the west towards Ledbury and Bosbury. Footpath no. WH4 runs to the east of the site in a northerly direction and the site lies within an Area of Great Landscape Value.
- 1.2 The applicant wishes to construct a single storey pitched roofed building measuring 14.6 m in length by 6.3 m in width by 6 m in height to the ridge of the roof. The building is to replace the demolished garage and existing self contained annexe and is proposed to be used as garage and workshop space at ground floor largely to store the applicants classic car collection with the roof space being utilised for a guest bedroom and storage area. The building is to be sited in the north western corner of the curtilage encroaching slightly into the adjoining paddock.

## **2. Policies**

### **Hereford and Worcester County Structure Plan**

CTC2 – Areas of Great Landscape Value

CTC6 – Landscape Features

CTC9 – Development Requirements

**Malvern Hills District Local Plan**

Landscape Policy 1 – Development Outside Settlement Boundaries  
Landscape Policy 3 – Development in Areas of Great Landscape Value  
Landscape Policy 8 – Landscape Standards

**Herefordshire Unitary Development Plan (Deposit Draft)**

H18 – Alterations and Extensions  
LA2 – Landscape Character and Areas Least Resilient to Change  
LA5 – Protection of Trees, Woodlands and Hedgerows

**3. Planning History**

MH1868/83 – Erection of self contained granny annexe – Approved 10/10/1983

NE2003/0403/F – New Conservatory and first floor extension to existing house – Approved 28/03/2003

NE2003/0414/F – Proposed Garage/Coach House in Lieu of Demolition of Existing Garage and Bungalow – Withdrawn 15<sup>th</sup> April 2003.

**4. Consultation Summary**

Nothing to report.

**5. Representations**

5.1 Wellington Heath Parish Council recommend refusal for the following reasons:

- a) The development is inappropriate in scale for the replacement of the existing annexe and garaging.
- b) The development is in open countryside, which is designated as an Area of Great Landscape Value. Consequently the development is contrary to Landscape Policies 1C, 2B and 3 of the Malvern Hills District Local Plan.
- c) Any development of the scale proposed in the location proposed would damage the roots of the ancient oak tree. Existing buildings to be replaced are likely to have shallow or no foundation whereas the replacement development will require extensive footings. The development is also believed to be within falling distance of the oak tree. As such the development is contrary to Landscape Policy 8B of the Malvern Hills District Local Plan.

5.2 The Parish Council would have less concern with a building no taller than the existing annexe. Should permission be approved conditions should be attached to protect the oak tree and prevent the independent sale of the building from Uplands Orchard.

5.3 The full text of this letter can be inspected at Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officers Appraisal

- 6.1 This application has been submitted following withdrawal of an application for a similar proposal earlier this year, which your officers considered to be unacceptable due to its scale and design. The proposed building is to replace the existing garage block, which has recently been demolished and a structure for which planning permission was given in 1983 as a self contained residential annexe. Both of these structures are very unsightly and sited within very close proximity to the large mature oak tree and therefore their removal is welcomed.
- 6.2 Turning to the proposal, whilst the building is relatively large in terms of its footprint, it is considerably smaller than the combined footprint and volume of the garage and existing annexe to be demolished. As such the scale of the building in terms of its footprint, volume and height is considered acceptable given what already exists on site. In fact the scale of the building has reduced considerably from that which was submitted and subsequently withdrawn earlier this year. In particular the length has been reduced by 3.5 m and the height reduced by 1.5 m. Furthermore, the design of the building has been simplified through the removal of dormer windows and gable features. The design is now to follow a traditional coach house style with materials to match the existing dwelling.
- 6.3 Concerns were expressed by both the Landscape Officer and the Parish Council regarding the proximity of the proposed building to the mature oak tree. In view of this the building has been re-sited westwards by around 4 m so as no part falls within the canopy spread of the oak tree. This is to ensure that there is no damage to the root system of the tree and appropriate conditions can be imposed to ensure that the tree is protected during the construction of the building.
- 6.4 The proposed uses of the building are acceptable subject to a condition preventing the independent letting or sale of the building from Uplands Orchard. Whilst the building is to be higher than the existing structures, the design and high quality materials proposed will ensure that it has no greater impact within the landscape than the existing structures have. Furthermore, the re-siting of the building will mean that it can be constructed at a lower level further minimising its impact within the landscape.
- 6.5 The concerns of both Wellington Heath Parish Council and the Landscape Officer have been addressed and satisfactorily overcome. As such the development is considered acceptable in accordance with the relevant development plan policies.

## RECOMMENDATION

**That planning permission be granted subject to the following conditions:**

- 1 - A01 (Time limit for commencement (full permission) )**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

- 2 - A06 (Development in accordance with approved plans ) (and amended site plan received 9th July 2003)**

**Reason: To ensure adherence to the appropriate plans in the interests of a satisfactory form of development.**

**3 - B03 (Matching external materials (general) )**

**Reason: To ensure the satisfactory appearance of the development.**

**4 - E08 (Domestic use only of garage )**

**Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling.**

**5 - E15 (Restriction on separate sale/let of the building from Uplands Orchard)**

**Reason: It would be contrary to the policy of the local planning authority to grant consent for a separate dwelling in this location.**

**6 - F48 (Details of slab levels )**

**Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.**

**7 - G10 (Retention of trees )**

**Reason: In order to preserve the character and amenities of the area.**

**8 - G18 (Protection of trees )**

**Reason: To ensure adequate protection to existing oak tree which is to be retained, in the interests of the in the interests of the visual amenity of the area.**

**9 - H09 (Driveway/turning area)(delete driveway)**

**Reason: To ensure adequate protection to existing oak tree which is to be retained, in the interests of the visual amenity of the area.**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**8 NE2003/1574/F - DEMOLITION OF EXISTING COTTAGE AND REPLACE WITH PROPOSED NEW DWELLING AT FIRS COTTAGE, BOSBURY, LEDBURY, HR8 1HE****For: Mr Ellis per RRA Ltd, Packers House, 25 West Street, Hereford, HR4 0BX****Date Received:****27th May 2003****Expiry Date:****22nd July 2003****Ward:****Hope End****Grid Ref:****67905, 43864**

Local Members: Councillor R Mills and Councillor R Stockton

**1. Site Description and Proposal**

1.1 The site is located immediately east of the B4214 Ledbury to Bromyard Road approximately 1.5 miles north west of Bosbury. Access to the site is via the C1152 with the existing access having been widened to improve visibility. Currently occupying the site is a painted brick and tiled pitched roof detached property known as Firs Cottage, attached to which are a number of outbuildings. Also on site is a mobile home occupied by the applicants for which a temporary planning permission was given last year. Ground levels both within and surrounding the site fall from north to south and the site is generally well screened by existing mature hedges, shrubs, trees and an old orchard. The site is largely surrounded by agricultural land with a small number of residences south and east of the site forming the hamlet of Catley. The site lies within an Area of Great Landscape Value.

1.2 The applicants wish to replace the existing detached dwelling and outbuildings with a new 4-bedroom dwelling. The proposed dwelling is to be sited on the same footprint as the existing and is to follow a similar form utilising similar materials but adopting a more modern and unconventional design.

**2. Policies****Hereford and Worcester County Structure Plan**

H16A – Housing in Rural Areas

H20 – Housing in Rural Areas Outside the Greenbelt

CTC2 – Areas of Great Landscape Value

CTC9 – Development Requirements

**Malvern Hills District local Plan**

Housing Policy 4 – Development in the Countryside

Landscape Policy 1 – Development Outside Settlement Boundaries

Landscape Policy 3 – Development in Areas of Great Landscape Value

**Herefordshire Unitary Development Plan (Deposit Draft)**

H7 – Housing in the Countryside Outside Settlements

LA2 – Landscape Character and Areas Least Resilient to Change

**3. Planning History**

MH87/0448 – Bedroom and shower room extension – approved 6<sup>th</sup> November 1987

NE2002/1494/F – Temporary siting of mobile home during renovation works – approved

NE2003/0357/F – Demolition of existing cottage and erection of replacement dwelling – withdrawn 17<sup>th</sup> April 2003

**4. Consultation Summary**

Nothing to report.

**5. Representations**

5.1 Bosbury Parish Council recommend refusal. The trend to demolish country cottages and replace them with modern buildings destroys the character of the area.

5.2 Two letters of objection have been received from

Mrs C Jones, 1 Southfield Cottages, Catley  
Mary Fastiszewski, 2 Hillfield Cottage, Catley

The main points raised are:

- a) The reduction in the height of the Oast House tower has improved the balance of the south elevation, however the deletion of the single storey study removes the balance which the property previously had when viewed for the east and increases its visibility when viewed from the driveway.
- b) The introduction of a porch type feature protruding out onto the terrace is extreme and rather obtrusive.
- c) The reduction in the height by between 500mm and 900mm at a distance will not make a great deal of difference to the overall aspect. Similarly the use of stone facing to the northern elevation will make little difference to a structure of this magnitude.
- d) There will be a significant viewing capacity from the roof garden particularly in the autumn/winter when the current tree foliage does not exist.
- e) Two windows are now included in the two storey section of the north elevation with aspect towards Hillfields.

- f) The proposed ultramodern dwelling would be out of keeping and unfitting with the traditional cottages in the area and this extreme form of architecture sets a precedent for future applications in rural areas and should be curtailed.
  - g) Whilst sections of the original design have been trimmed back, the glass fronted pavilion remains which will be very prominent and is a monstrosity in comparison with the rest of the proposed dwelling.
  - h) No objection would be raised to a large ground floor conservatory in place of the pavilion, alternatively the pavilion should be reduced in size and redesigned so it is in keeping with the traditional style and also compliments the front elevation.
- 5.3 The full text of these letters can be inspected at Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officers Appraisal**

- 6.1 The existing two storey detached dwelling and outbuildings are proposed to be replaced with a new split-level, two storey, 4 bedroom dwelling on the same site as the existing. The principle of demolishing the existing dwelling and replacing with a new dwelling is supported by the relevant policies providing the existing dwelling has established residential use rights and the new dwelling is of a comparable size to the existing.
- 6.2 The existing dwelling was occupied until approximately 3 years ago and therefore its residential use rights remain in existence. With respect to the size of the proposed dwelling, whilst the dwelling is undoubtedly larger than the existing property on site, it is considered that the enlargement falls within acceptable tolerances. In particular, the cubic volume of the proposed dwelling is 59% larger in than the existing (measured externally including roof space) and the footprint is 54% larger than the existing. This increase in size is not dissimilar to that which may be permitted as an extension to the property if an application were submitted. Notwithstanding this, it is recommended that permitted development rights be removed to prevent the property being extended in the future without the submission of a planning application.
- 6.3 Perhaps the more contentious aspect of the application is the proposed design of the new dwelling. The majority of the dwelling is of a conventional form and follows the basic shape and dimensions of the existing dwelling. The proposed dwelling being of a simple two-storey pitched roof construction with a further two-storey pitched roof section set at a lower level thereby breaking up the mass of the dwelling. Incorporated within the design are more unconventional and modern features such as the flat roof and glazed fronted living/dining room area constructed as a wing off the main dwelling, the stair tower providing access from ground to first floor and the fenestration which in some respects resembles Roman architectural detailing.
- 6.4 Whilst your officers accept the overall appearance is a little unusual and may not match the character and appearance of other properties in the area, the design is not considered to be inappropriate or appear incongruous both within the site and the wider area. In fact, the proposed dwelling will be no more prominent or visible within the landscape than the existing dwelling. This is largely due to the existing mature vegetation and trees both within and surrounding the site but also the fact that the slab level of the proposed dwelling is to be constructed a metre lower than the existing dwelling resulting in the total height also being some 400mm lower. The mass and height of the stair tower has also been reduced thereby minimising the visual

prominence of this element of the proposal. Finally, the level of the flat roofed, glazed fronted living/dining room area has also been lowered when viewed against the main body of the dwelling, again to minimise its visual prominence. Therefore, a combination of all the above factors/amendments results in the proposal having no greater visual impact within the landscape which is designated as an Area of Great Landscape Value than the existing dwelling.

- 6.5. Concern has been expressed by both objectors regarding the possible loss of privacy as a result of overlooking from the dwelling and flat-roofed terrace. However, there is a considerable distance between the proposed dwelling and both of the objector's properties. Even the nearest neighbouring dwelling south-east of the site is in excess of 50 metres away which is considered to be sufficient distance so as not to result in any loss of privacy or amenity. Furthermore, a condition is recommended requiring the retention of all trees including orchard trees within the site, which will further safeguard the privacy of neighbours and minimise the visual impact of the new dwelling. The revised access arrangements are acceptable subject to conditions.
- 6.6 The principle of demolishing the existing dwelling is supported by Housing Policy 4 of the Malvern Hills Local District Plan. The new dwelling is larger than the existing but not considered to be unreasonable. The design is also considered acceptable without appearing incongruous or unacceptably prominent within the Area of Great Landscape Value. In view of the above the proposal is considered acceptable in accordance with the relevant Development Plan Policies.

## RECOMMENDATION

**That planning permission be granted subject to the following conditions:**

**1. A01 - Time limit for commencement (full permission)**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

**2. A06 - Development in accordance with approved plans**

**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.**

**3. B01 - Samples of external materials (including details of glazing).**

**Reason: To ensure that the materials harmonise with the surroundings.**

**4. E16 - Removal of permitted development rights**

**Reason: In order to clarify the terms under which consent is granted and bring any future development under the control of the local planning authority.**

**5. G04 - Landscaping scheme (general)**

**Reason: In order to protect the visual amenities of the area.**



6. G05 - Implementation of landscaping scheme (general)

Reason: In order to protect the visual amenities of the area.

7. G10 - Retention of trees

Reason: In order to preserve the character and amenities of the area.

8. H05 - Access gates (5 metres)

Reason: In the interests of highway safety.

9. Prior to the commencement of the development hereby permitted details of the means and site for the disposal of all waste materials arising from the demolition of the existing dwelling and outbuildings shall be submitted to and agreed in writing by the local planning authority. The demolition shall be carried out in accordance with the approved details.

Reason: To ensure the appropriate disposal of waste materials.

10. The flat roofed terrace area shall not be enclosed by any form of railings, fence, wall or other means of enclosure without prior written consent of the local planning authority.

Reason: In the interest of visual amenity.

Notes to Applicant

- 1. HN1 - Mud on highway
- 2. HN4 (Private apparatus within highway)
- 3. HN5 - Works within the highway
- 4. HN10 -No drainage to discharge to highway

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**9 NE2003/1738/F - VARIATION OF CONDITIONS NOS. 11 OF PLANNING PERMISSIONS NOS. MH2067/90 DATED 10.12.90 AND MH97/0972 DATED 09.12.97 TO PERMIT LIMITED OUTSIDE STORAGE AREA 11.5M. X 11.5M. X 3M. JUGS GREEN BUSINESS PARK, STAPLOW, LEDBURY, HEREFORDSHIRE, HR8 1NR**

**For: Davant Products Limited per Wall, James & Davies, 15-23 Hagley Road, Stourbridge, West Midlands, DY8 1QW**

**Date Received:**

**10th June 2003**

**Expiry Date:**

**5th August 2003**

**Ward:**

**Ledbury**

**Grid Ref:**

**68888, 40874**

Local Members: Councillor Barry Ashton & Peter Harling

**1. Site Description and Proposal**

- 1.1 Davant Products is located on the northern side of the class III 1157 road from Staplow to Munsley.
- 1.2 The proposal is to use a small area, 11.5m x 11.5m, as an open storage area, with a maximum height limit of 3 m. The area has been used for this purpose contrary to planning conditions previously imposed and this application has been submitted following investigation by the Council's Enforcement Officers.
- 1.3 The site is located behind existing buildings and will be partly screened by a new 2m high fence. The storage area will be approximately 25m away from Jugs Green farmhouse which is in separate ownership.

**2. Policies**

**Hereford and Worcester County Structure Plan**

E6 – Industrial Development in Rural Areas

CTC2 – Area of Great Landscape Value

CTC9 – Development Requirements

**Malvern Hills District Local Plan**

Employment Policy 10 – Expansion on Industrial Sites

Landscape Policy 3 – Area of Great Landscape Value

Environment Policy 1 – Location of Development

**Herefordshire Unitary Development Plan (Deposit Draft)**

E6 – Expansion of Existing Businesses

E11 – Employment in the Countryside

**3. Planning History**

- 3.1 NE2002/1556/F - Variation of condition 12 of planning permission MH2067/90 - Relating to working hours. Approved 4 September 2002.
- 3.2 NE2002/1414/F - Part change of use of B8 warehouse to B1 (light industry), retention of overhead canopy and fire escape path - variation of condition of planning permission MH96/1290 - Use Restriction. Approved 4 September 2002.
- 3.3 NE2002/1414/F - Change of use of building from B1 (light industry) to B8 (warehouse) - variation of planning permission MH2067/90 - Use Restrictions. Approved 4 September 2002.
- 3.4 NE2001/3188/F - Loading canopy extension to existing warehouse - Approved 22 January 2002
- 3.5 NE1999/1628/F - Extension to existing warehouse and extension to car-parking area - Approved 20 July 1999
- 3.6 MH97/0972 - Proposed warehouse to be moved 90% as already approved on MH96/1290 - Approved 9 September 1997
- 3.7 MH96/1290 - Proposed warehouse - Approved 11 February 1997
- 3.8 MH92/1122 - Amendment of condition 4 to permit conversion of units B & D to offices. Change of use unit D from Class B8 to Class 1 (refer to consent MH2067/90)
- 3.9 MH91/0334 - Use of part of field as open storage, display and sales area for reclaimed salvaged and restored architectural affects and building components - Approved 29 April 1991
- 3.10 MH90/2067 - Change of use of redundant agricultural buildings to light industrial and storage (B1 and B8) - Approved 10 December 1990

**4. Consultation Summary**

- 4.1 Nothing to report.

**5. Representations**

- 5.1 Ledbury Town Council make the following comments: "Members felt that a condition should be attached to lower the storage height from 3m to 2m."
- 5.2 One letter of objection has been received from H J Pugh, Jugs Green, Staplow, Nr Ledbury, raising the following issues:
  1. Our farmhouse is situated to the east of Davant. The prevailing wind is southwest. Plastic and other materials are regularly blown across our gardens and fields endangering livestock.

2. The planning conditions were imposed to protect the amenity of the local countryside and the farmhouse nearby. We see no reason why they should be varied.
3. Enormous warehouse and buildings have been erected on site, yet still fibreglass and other insulation materials are stored outside. The business has outgrown the site which is now a very busy distribution centre. Lorries from all over the country and continent make deliveries all hours.
4. Please consider our welfare and that of other local residents and refuse further development of this site.
- 5.3 The applicant's agent's have submitted the following in support:
  1. Our client's would accept a condition curtailing any further outside storage beyond this small area now applied for.
- 5.4 The full text of these letters can be inspected at Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officers Appraisal**

- 6.1 Members will have inspected this proposal at the recent site visits. The proposal is to amend conditions imposed on previous planning permissions that prevented any outside storage. The application seeks to allow an area 11.5m x 11.5m to be used for outside storage to a maximum height of 3m.
- 6.2 The site is contained within the yard area and is reasonably well screened by existing buildings and trees, but it will be seen and is not totally enclosed.
- 6.3 However, subject to controls to prevent materials being blown off-site the proposal is considered to comply with the employment policies contained within the Malvern Hills District Local Plan and emerging Herefordshire Unitary Development Plan. The neighbours concerns are noted however they are not considered sufficient to override established planning policies for development of this employment site.

## **RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

**1 - A01 (Time limit for commencement (full permission) )**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

**2 - A06 (Development in accordance with approved plans )**

**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.**

**3 - The area approved for open storage shall be permanently marked out to ensure its identification.**

**Reason: In order to clarify the terms of this permission.**

- 4 - With the exception of the open storage approved under this permission no other external storage shall take place.

Reason: In order to clarify the terms of this permission.

- 5 - All open storage items shall be secured to ensure that no material is allowed to transgress outside of the authorised area and shall not exceed a maximum height of 3m.

Reason: In order to clarify the terms of this permission.

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**10 NC2002/3730/F - EXTENSION TO PROVIDE ADDITIONAL CLASS A1 SALES AREA, ANCILLARY WAREHOUSE, STAFF FACILITIES & EXTENSION TO EXISTING COFFEE SHOP AT SAFEWAY STORES PLC, BARONS CROSS ROAD, LEOMINSTER, HR6 8RH**

**For: Safeways Stores Plc per DTZ Pieda Consulting  
10 Colmore Row Birmingham B3 2QD**

Date Received: 9th December 2002

Ward:  
Leominster  
South

Grid Ref: 48370 58650

Local Members: Councillors J P Thomas and R Burke

### Introduction

Members will recall that this application was deferred from the meeting on 2 April 2003.

The report has been updated since the April meeting and the supporting information submitted by the applicant has been independently checked for the Authority.

### 1. Site Description and Proposal

- 1.1 The Safeway store is located on the south side of the A44, Baron's Cross Road, on the outskirts of Leominster.
- 1.2 The existing buildings were approved in 1990 and comprise a retail store, petrol station and associated car parking. The site lies within the settlement boundary for Leominster in a primarily residential area. Vehicular access to the site is via the existing access road, with no additional parking provision being proposed.
- 1.3 The proposed extension to the store will bring the building closer to the north and eastern boundaries of the site. The design of the extension will be in keeping with the brick and tiled detailing of the existing store.
- 1.4 The planning application seeks to extend the existing Safeway Store's net sales area from 2637m<sup>2</sup> by 964m<sup>2</sup> to create a net sales area of 3601m<sup>2</sup>. The application also seeks to extend the existing warehouse area by 841m<sup>2</sup>, the coffee shop by 274m<sup>2</sup> and staff facilities by 445m<sup>2</sup>.
- 1.5 There are no proposed changes to the number of parking bays or the general alignment of the store.

## **2. Policies**

### **2.1 Planning Policy Guidance**

PPG 6 Town Centres and Retail Development June 1996  
PPG 13 Transport (2001)

### **2.2 Hereford and Worcester County Structure Plan**

S3 - Retail development outside town centres  
CTC 9 – Development Requirements

### **2.3 Leominster District Local Plan (Herefordshire)**

A1 – Managing the District's Assets and Resources  
A33 – Major retail developments  
A52 – Primarily Residential Areas  
A54 – Protection of residential amenity

### **2.4 Herefordshire Unitary Development Plan (Deposit Draft)**

TCR. 9 – Large scale retail development outside central shopping and commercial areas

### **2.5 Town Centre Retailing Policies Clarified - Office of the Deputy Prime Minister, 11 April 2003**

## **3. Planning History**

90/0852 – Site for food store and petrol filling station. Outline planning permission approved 22 April 1991.

91/269 – Erection of sales supermarket. Reserved Matters approved 9 July 1991.

97/0953/N – Extension to store to provide new creche and increase in sales area. Approved 10 March 1998.

NC2002/0738/F – Extension to provide additional Class A1 sales area, ancillary warehousing, staff facilities and extension to existing coffee shop. Withdrawn 20 May 2002.

## **4. Consultation Summary**

4.1 Nothing to report.

## **5. Representations**

5.1 In support of the proposal, the applicant's agent has submitted a detailed Retail Impact Assessment and Car park Assessment

5.2 Town Council: Recommend refusal, as it is felt that further development of this store would seriously impact upon the viability of the town centre.



- 5.3 A letter of objection has been received from Boots Properties plc, Group Headquarters, Nottingham. The main concerns raised are:
- 1) Proposal contrary to advice given in PPG6
  - 2) Consider proposal should be treated as a new retail unit, further to advice given by the then DETR Minister Richard Caborn in February 1999.
  - 3) Need to assess proposal in light of sequential approach
  - 4) Question need for the proposed additional retail floorspace
  - 5) Will result in harm to the vitality and viability of Leominster Town Centre
  - 6) Introduction of non-food ranges will further affect existing town centre retailers
  - 7) Proposal part of company's target Hypermarket concept for expanding stores to over 50,000 sq.ft of retail space.
- 5.4 Leominster Civic Trust: Raised strong objections to the proposal referring to current presumption against such development and potential for damaging existing retail centres. Concerned about increasingly diverse range of goods on sale within the existing store, together with loss of parking provision.
- 5.5 A letter of objection has been received from H G Clewer Ltd, Westfield Walk Pharmacy, Leominster. This refers to existing breaches of planning conditions and the impact of Safeways on trade in the town centre, which is all against government policy.
- 5.6 The Leominster Regeneration Company Ltd has written in to formally express their objections. They consider that the proposed expansion of Safeway Supermarket will potentially be devastating to the future viability of the town centre. They highlight
- discrepancies with applicant's interpretation of Healthcheck 1996 and 2000
  - likely loss of food sector, comparison goods and medical retail outlets which are town centre's primary draws
  - potential creation of 'two centre' town with the new development providing everything available in the town centre
  - concerns over introduction of 'non-core goods', i.e. electrical and household/garden items
  - anomalies in Safeway's report regarding extent of proposed comparison goods
- 5.7 The full text of these letters can be inspected at Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officers Appraisal**

- 6.1 The largest of the extensions will project to the east and bring the store closer to the existing landscape buffer. This boundary is also marked by a high bank, which screens the bulk of the development to neighbouring residential properties.
- 6.2 Whilst the footprint of the building will be closer to dwellings to the east, it is not considered that the level of usage at the site will amount to a material deterioration in the amenities of those living closest to the site. Whilst the extended store will project closer to the properties to the east, the extension will not dominate or lead to any loss of light to these residents.
- 6.3 There are no objections on highway grounds.

- 6.4 The report to the 2 April Committee was prepared prior to the issue of the latest clarification of Planning Policy Guidance Note 6: 'Town Centres and Retail Development', which was released by the Office of the Deputy Prime Minister on 11 April 2003. This clarifies Government Policy on retail development and the important changes to be made in the way in which the question of need should be approached. The focus is clearly placed on the sequential approach to development, where the town centre is the first choice, edge of centre is second, with out of centre coming a long way behind in third. Greater weight is now placed on quantitative need. Where both comparison and convenience goods are proposed to be sold, evidence on the need of each type of good now needs to be provided.
- 6.5 The approach submitted in support of the application to justify the need for the proposed extension to Safeways was prepared prior to the new advice and consequently fails to conform to the Government's current policy on retail development. The proposal seeks to accommodate a wider and deeper range of comparison goods, together with additional convenience goods floor space. It is the lack of evidence of quantitative need and the consequent impact of the new floor space on the town centre which is the principal issue of concern.

- 6.6 The Retail Impact Assessment states that:

'In quantitative terms, the need for retail development can be assessed in two ways, firstly in terms of conventional capacity assessment, and secondly by demonstrating an absence of harm to interests of acknowledged importance (although this will also involve a qualitative element). In some respects, the former can be regarded as an academic exercise that may have little relevance for trading on the ground, whilst the latter is clearly a relevant test.'

The Council would take issue with the assertion that the absence of demonstrable harm provides evidence of need.

Furthermore, the provision of an additional 964m<sup>2</sup> of net sales area, bringing the total within the store to 3601m<sup>2</sup> represents a significant increase. The Retail Impact Assessment makes contradictory statements about the proposed use, but it is clear that the additional space is intended for the sale of comparison rather than convenience goods.

- 6.7 The original planning permission (ref. 90/0852) restricted the retailing to convenience goods. It is, however, apparent that breaches of planning conditions are taking place at the site, including the use of the creche facility, which was restricted to that use only.
- 6.8 An inspection of the site with the Council's Enforcement Officer has established that the store has 28 aisles in total. In addition, it has 26 'areas' of retail sales for comparison goods. These areas include end of aisles, parts of aisles together with a large area in the north-east corner of the store which has been exclusively laid out with comparison goods.

Compliance with existing planning conditions is therefore the subject of a separate on-going investigation by the Council's Enforcement Officer. It does, however, raise serious questions regarding the 'need' for additional retail floor space.

Conclusions

- 6.9 Current policy and the latest advice from Central Government regarding retail development focus attention on maintaining the vibrancy of existing town centres. Proposals which are likely to harm this approach are subject to a number of tests, principally relating to the need for the development and associated range of goods, and the impact of providing that range of goods on the vitality and viability of the existing town centre.
- 6.10 The guidance is explicit that all these tests apply equally to proposals for extensions as well as to new developments.
- 6.11 On the basis of the assessment of the proposed development which was undertaken with reference to the latest guidance, there are sustainable reasons for refusing planning permission. The proposal is contrary to national retail and adopted Local Plan policy. It fails to satisfy the tests of need and, if approved, would materially undermine the purpose of policy to sustain and enhance the vitality and viability of the town centre.

**RECOMMENDATION**

**That planning permission be refused for the following reason:**

- 1. **The proposal involves the extension of an out-of-centre foodstore primarily for the sale of comparison goods (which at present are not permitted). No justification for the scale of the requested provision has been submitted. The proposal therefore conflicts with Government policy which requires that quantitative provision be demonstrated in the case of out-of-centre stores. The proposal also conflicts with the proper application of the sequential approach in considering where any need that can be shown should appropriately be located. It is therefore accordingly contrary to Policies S3 and CTC9 of the Hereford & Worcester County Structure Plan, Policy A33 of the Leominster District Local Plan (Herefordshire), PPG6 (Town Centres and Retail Development) and ODPM Statement issued on 11 April 2003.**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies



**11 NW2003/0630/F - USE OF LAND FOR PARKING OF AGRICULTURAL IMPLEMENTS & CUSTOMER VEHICLE PARKING AT TEME VALLEY TRACTORS LTD, BROAD STREET, WIGMORE, HEREFORDSHIRE****For: Teme Valley Tractors Ltd per Mr D R Davies,  
23 Charlton Rise, Ludlow, Shropshire SY8 1ND****Date Received:  
27th February 2003  
Expiry Date:  
24th April 2003****Ward:  
Mortimer****Grid Ref:  
41463, 68935**

Local Member: Councillor Mrs O Barnett

**1. Site Description and Proposal**

- 1.1 The application site lies on the east side of the A4110 road through Wigmore. The site comprises of the existing Teme Valley Tractors business together with land to the south and east, which in part adjoins the rear boundaries of a number of properties along the main road and the Primary School to the south. The dwelling known as Wigingamere between the site and the school is within the control of the applicant.
- 1.2 The site lies adjacent to a number of listed buildings and is also within the Wigmore Conservation Area.
- 1.3 The site can be categorised into two areas. First, land immediately adjacent to and on the south side of a small stream which is currently being used for the storage/parking of agricultural machinery, without the benefit of planning permission, and the area to the north of the stream which was formerly an orchard.
- 1.4 The proposal is described as a change of use from garden area to parking for agricultural implements and customer parking. It does not appear, however, that the land has been used as garden land for many years and it is doubtful whether the old orchard on the north side of the stream ever was.
- 1.5 The submitted amended plan of 11 April indicates that customer parking will be located adjacent to the north-west boundary of Wigingamere, that a new mixed thorn and beech hedge will be planted along the boundary with the school, and along the boundaries of that part of the site across the stream, together with the retention of the existing apple trees and silver birches in that part of the site.

**2. Policies****2.1 Leominster District Local Plan (Herefordshire)**

A2(B) – Settlement Hierarchy  
A12 – New Development and Landscape Schemes  
A14 – Safeguarding Water Resources

- A18 – Listed Buildings and their Settings
- A21 – Development within Conservation Areas
- A28 – Development Control Criteria for Employment Sites
- A35 – Small-scale New Development for Rural Businesses within or around Settlements
- A70 – Accommodating Traffic from Development

## **2.2 Hereford and Worcester County Structure Plan**

- E6 – Industrial Development in Rural Areas
- CTC15 – Conservation Areas

## **2.3 Herefordshire Unitary Development Plan (Deposit Draft)**

- E6 – Expansion of existing businesses
- E10 – Employment principles within or adjacent to rural settlements
- HBA4 – Setting of listed buildings
- HBA6 – New development within Conservation Areas

- 2.4 PPG4: Industrial and Commercial Development and Small Firms
- PPG15: Planning and the Historic Environment
- PPG18: Enforcement of Planning Control

## **3. Planning History**

76/0601 - Site for the erection of light industrial factories at Wigmore. Outline planning permission granted 3.11.76. This application site extended to the existing Teme Tractor site, a more recently erected bungalow, but not to the orchard across the stream.

80/177 - Erection of bungalow at old shop buildings and yard. Refused on policy and access grounds 28.7.80.

87/0214 – Erection of bungalow at old shop buildings and yard. Outline planning permission granted 22.6.87.

88/188 - Reserved Matters for bungalow on old shop yard. Approved 10.5.88. This was for the property now known as Wigingamere.

## **4. Consultation Summary**

- 4.1 Environment Agency have no objection subject to a condition preventing any new buildings or structures including gates, walls or fences, or raised ground levels within 5 metres of the top of any bank of watercourse. They also advise that the applicant should comply with the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 and that they should ensure there is no possibility of contaminated water entering and polluting surface or underground waters.

## **5. Representations**

- 5.1 Wigmore Parish Council has no objection.

- 5.2 Wigmore Primary School advise: 'The Governing body has no objection to the above planning applications. However, they request that Teme Valley Tractors consider planting a screen hedge should the site become unsightly.'
- 5.3 In support of the application the applicant's agent has submitted a number of letters, which advise the following:

That a one metre wide hedge planting consisting of beech and hawthorn will be planted adjacent to the boundary fences as shown on the submitted plan.

That the existing silver birch and apple trees are to remain and be protected.

Oak Cottage, a listed building, is owned by the applicant and that part of the building is used as office space and stores, with the rear garden area being used for storage and parking for the business and has been since about 1949 when the business commenced, with the existing workshop being erected in 1953.

The Methodist Chapel is affected by approximately 5.0 metres of a boundary adjacent to the watercourse with large mature trees forming a boundary line where it overlooks the rear gardens of adjacent houses. The situation will not be affected by the proposal as it existed since long before the conversion works to residential dwelling were approved by your Council.

There are a number of other businesses nearby which have similar impacts on the landscape including garage workshops, vehicle storage and parking, shop facilities and stores to name a few.

The letter concludes that these all add to the rural and setting and serve to bring alive a thriving community thereby adding to the economic stability of the area by offering full-time employment and accord fully with the criteria set out in your Policies A28, A34, A35 and A41.

The most recent letter also advises that only temporary access over the stream will be provided. Furthermore, that the proposals will be of benefit to the area and provide suitable screened storage for implements brought in for repair and sale. This will in turn give the benefit of tidying up an unsightly area by giving properly controlled storage in the Conservation Area and allowing vehicles and implements to be parked off the road and property access, benefiting the established business and village appearance.

Should the application be approved this may present the possibility of providing additional employment opportunities.

- 5.4 Objections have been received from:

Mrs J Wright, Chapel House, Wigmore  
A & E Boden, Pretoria House, Wigmore  
Mrs G Clement, Oakley House, Wigmore  
ZYDA Law, Solicitors, on behalf of Mr and Mrs Bingham, Burgage Farm, Wigmore  
Mr and Mrs Bytheway, Quarry Cottage, Wigmore  
M Baxter, Tannery House, Wigmore  
L Henry, The Old Courthouse, Wigmore  
G A Hughes-Price, Brick House, Wigmore

Their objections can be summarised as follows:

- 1) Air pollution: It is impossible to open windows during working hours between 8.00am and 6.00pm due to tractor engines running, generators and the burning of rubbish. Granting planning for this will treble the size of the area in which this could take place.
  - 2) Pollution to the stream from oil and other hydraulic liquids.
  - 3) Flash flooding occurs during the winter although some remedial work has taken place on land adjacent to the site.
  - 4) As recently as last year the land was being used for the grazing of horses and sheep. The tractors have appeared without planning permission.
  - 5) The access will be dangerous.
  - 6) It is obtrusive and unnecessary and suited only to the industrial estate.
  - 7) The description is in error. It is not a change of use from gardens.
  - 8) The proposal will be detrimental to the setting of a listed building.
  - 9) It is already an eyesore without further expansion.
  - 10) Intrusion upon privacy.
  - 11) Contrary to policies in the Unitary Development Plan.
  - 12) If refused, applicant would relocate to land allocated for employment use.
  - 13) The proposal is premature and should have been promoted in the UDP.
  - 14) It would create a precedent for further unacceptable development.
  - 15) Loss of value of property.
  - 16) The site is a habitat for wild life.
- 5.5 The full text of these letters can be inspected at Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officers Appraisal**

- 6.1 The principal issues in the determination of this application appear to relate to highway safety, residential amenity, visual amenity, pollution and setting of listed buildings and Conservation Area.
- 6.2 Improvements are proposed to the existing access to the site together with provision for customer parking which allows an opportunity to lay out the forecourt area in a less haphazard manner which would lead to the benefit of highway safety generally.
- 6.3 The application as submitted extends the area of the site for the purposes of storage of agricultural implements. The application does not propose these areas be used for



working on vehicles and consequently there ought not to be any significant difference in terms of the impact of the business upon residential amenity as referred to by objectors, particularly the running of engines, etc., causing air pollution.

- 6.4 The Chief Conservation Officer has serious concerns in terms of the impact of the proposal upon the setting of nearby listed buildings and upon the character of the Conservation Area. He considers that the site forms a soft edge to the settlement, which protects and enhances the historic core of the village. The topography and land use are typical of the valley floor below the ridge, and this pasture land lies in the immediate setting of many listed buildings and their associated burgage plots. He considers that the proposal would in effect industrialise the site, destroying the visual and natural amenity.

In addition, the proposal to provide car parking adjoining the street frontage is inappropriate in this part of the Conservation Area and would further erode the setting of the Listed Building.

In landscape impact terms, he considers that the area beyond the stream being readily visible from the A4110 and public footpath within the school grounds makes a positive contribution which should be retained.

In terms of biodiversity issues, there are a number of matters of concern but these could be satisfied by conditions.

- 6.5 These legitimate concerns, which themselves have the backing of Development Plan and national policy, need to be weighed against policies supportive of employment uses, and in particular PPG4 and PPG18 on enforcement. Refusal of the application will lead to further enforcement action to secure removal of unauthorised use of part of the site.
- 6.6 In terms of pollution, it is not considered that the use of areas for additional storage will make any difference to the air pollution situation. In terms of oil and other liquids, the site is already required to comply with the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991. The Environment Agency have not suggested that additional conditions are required.
- 6.7 It is considered that through the imposition of appropriate safeguards through use of conditions, some of the concerns set out above can be addressed. Requiring details of the surfacing and demarcation of the area to the south of the stream, and the prohibition of surfacing at all beyond the stream, plus enhanced landscaping works will, it is considered, do this. On this basis it is considered that on balance the opportunity to improve the appearance of the site and retain employment opportunity and diversity of use within a main village such as Wigmore are such that the application can be recommended for approval.

## RECOMMENDATION

**That planning permission be granted subject to the following conditions:**

- 1 - A01 (Time limit for commencement (full permission) )**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

**2 - A06 (Development in accordance with approved plans )**

**Reason:** To ensure adherence to the approved plans in the interests of a satisfactory form of development.

**3 - D01 (Site investigation - archaeology )**

**Reason:** To ensure the archaeological interest of the site is recorded.

**4 - H13 (Access, turning area and parking )**

**Reason:** In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

**5 - The areas indicated on the approved plan for agricultural implement storage and customer parking shall be used for this purpose only and vehicles/implements within this area shall not be actively worked upon.**

**Reason:** In the interests of residential amenity.

**6 - Within 3 months of the date of this permission details of the laying out and surfacing of these areas shall have been submitted to the Local Planning Authority for approval in writing. Use of these areas shall not then commence until these works have been carried out in accordance with the approved details.**

**Reason:** In the interests of visual amenity and to protect the settings of listed buildings and the Conservation Area.

**7 - G04 (Landscaping scheme (general) )**

**Reason:** In order to protect the visual amenities of the area.

**8 - G05 (Implementation of landscaping scheme (general) )**

**Reason:** In order to protect the visual amenities of the area.

**9 - G10 (Retention of trees)**

**Reason:** In order to preserve the character and amenities of the area.

**10 - There shall be no new buildings, structures (including gates, walls or fences) or raised ground levels within a) 5m of the top of any bank of watercourses, and/or b) 3m of any side of an existing culverted watercourse, inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.**

**Reason:** To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows.

11 - Details of the proposed temporary access over the stream shall be submitted to the Local Planning Authority for approval in writing, prior to the use of the land beyond the stream for storage purposes.

Reason: For the avoidance of doubt and to ensure compliance with Environment Agency Regulations.

**Note to applicant:**

The details required by condition 6 will be expected to show:

**A rough grass border, of 2 metres either side of the stream, to be kept and clearly demarcated**

**The grassed area on the opposite side of the stream to be left as grass**

**All trees, including the deadwood stump, to be kept in situ.**

**The left hand corner of the grassland area not to be used to store vehicles, this should also be demarcated.**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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